


# Braille Monitor



OCTOBER, NOVEMBER, 1979

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



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National Federation of the Blind (NFB)

# THE BRAILLE MONITOR

PUBLICATION OF THE  
NATIONAL FEDERATION OF THE BLIND

OCTOBER-NOVEMBER 1979

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## THE BRAILLE MONITOR

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THE NATIONAL FEDERATION OF THE BLIND

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LETTERS FOR THE PRESIDENT, ADDRESS CHANGES,  
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\* \* \*

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\* \* \*

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If your wishes are more complex, you may have your attorney communicate with the National Office for other suggested forms.

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## OPEN LETTER TO MONITOR READERS

by KENNETH JERNIGAN

In the June issue I told you that Don McConnell had resigned as Editor of the *Monitor* and that either Jim Gashel or I would assume the duties of acting Editor until a permanent replacement could be found. Well, that permanent replacement has not been located, so this issue has largely been put together by Mrs. Walhof and me.

And quite an issue it is! It is almost entirely taken up with matters concerning the Miami convention. Rather than divide the reporting of the convention between two monthly issues as we have done in the past, we have put it all into one. This will be the October-November issue, but you will observe that it is more than twice as long as the ordinary *Monitor*. I think most readers would prefer to have all of the convention in one issue, rather than spreading it out over two or three.

The Miami convention was one of our very best. There was a mood of closeness and harmony which probably surpassed anything we have ever had.

In at least two areas we made decisions and took actions which will have a permanent impact on the character of the movement. In the first place (using the California-Washington situation as a vehicle) we finally and irrevocably settled the matter as to what kind of organization the blind of this nation want. We reaffirmed the fact

that we are one movement and that we are going to continue that way. We are not a fragmented confederacy but a single national organization. The final sovereignty rests with the convention delegates and the national body—which is the only way it can be if we intend to be both democratic and effective.

We also turned the corner financially. Perhaps for the first time in our history (maybe for the first time in the history of any people's movement) the average, rank and file member felt personal responsibility for financing the organization and took decisive action to do it. It was obviously an emotional as well as an intellectual commitment, and each of us was a better person for it. By convention's end almost a thousand of us were PAC Plan contributors, and it was clear that we were going home to spread the word to others. The recruitment of Associates, the planning for new ways to support the movement, and the dedication and purpose were everywhere present. Those of you who were not there missed a great convention. Those of you who were can read and remember. This issue of the *Monitor* details one of the finest episodes in our history.

We left Miami determined to make the coming year the best we have ever had and looking forward to a great convention in Minnesota in 1980.

## JOHN NICELEY DIES

Those who attended the 1979 national convention will remember that the Tuesday morning invocation was given by John Niceley, the first vice-president of the National Federation of the Blind of North Carolina. Less than a week after the convention adjourned, John had a sudden heart attack and died. He was a man who had great love for our movement and a willingness to work quietly and steadily to achieve for all of the blind first-class citizenship and equal status in society.

In reporting his death, *The State*, one of South Carolina's widely read newspapers, said in part:

(From Rockingham, N.C.)—The Rev. John Buchanan Niceley died Thursday during a discussion of problems of the blind with a Raleigh Lion's Club. He was 55.

He had been active in promoting rights of the blind since he lost his vision in 1971. He had been an educator, Southern Baptist minister, and an advocate for the blind and handicapped.

The Rev. Mr. Niceley had lived in West Columbia before moving to North Carolina in 1963.

Born in Wilmore, Ky., he was a son of the Rev. Horace O. and Mary Lou Cox Niceley.

He attended Carson-Newman College before joining the U.S. Air Force at the outbreak of World War II. After his discharge from military service he earned bachelor of

arts and science degrees from Union University in Jackson, Tenn., and then attended Central Baptist Theological Seminary in Kansas City, Mo.

He served as pastor of churches in Kansas, Tennessee, Kentucky, North Carolina, and South Carolina.

During his pastorates in South Carolina, the Rev. Mr. Niceley also worked as director of the data processing division of Blue Cross and Blue Shield. He then became head of computer services for the South Carolina State Highway Department and subsequently taught computer science at Midlands Technical Institution.

During the terms of Govs. Hollings and Russell he served as a member of the Governor's Commission on Alcoholism and Drug Abuse. He left the state in 1963 to become Director of Data Systems for Mecklenburg County, N.C.

The Rev. Mr. Niceley became blind in 1971 and retired as a teacher and as a preacher to complete his master's degree at North Carolina State and to become a rehabilitation counselor for the North Carolina Commission for the Blind.

He was first vice president of the North Carolina chapter of the National Federation of the Blind and was a legislative liaison for the N.F.B. in Raleigh and Washington, D.C. He was a member of the North Carolina Governor's and the President's Commission for the Handicapped.

## CONVENTION ROUNDUP

by RAMONA WALHOF

The 1979 Convention of the National Federation of the Blind was a tremendous experience—exciting, informative, uplifting, and spiritually rewarding. Already by Saturday, June 30, more than a thousand Federationists had gathered in Miami Beach and were hard at work. It was clear from the beginning that this would be the best convention to date—and it was.

On Saturday NFB members met in a seminar to discuss participation in the political process and methods for effectiveness in government at the community, state and national levels. This was the first opportunity to share ideas and experiences on this theme which would be the subject of a stimulating panel later in the week.

As usual Sunday and Monday were two of the busiest days of the convention. The tone was already apparent. There was gratification at the progress of the past year—as measured by the coverage in the *Wall Street Journal*, *U.S. News and World Report*, and on *Sixty Minutes*; the impressive list of civil rights victories; the gains in our battle with the airlines; and the growing determination of sheltered shop employees. The tone of the convention reflected all this and more.

If there had ever been any question concerning our unity and strength of purpose, all doubt was dispelled during the first days of the convention. Few had time or interest to discuss the disruptive behavior of the group on the West Coast. That would receive whatever attention was necessary by the convention at the proper time, but other more important matters and more productive ones were the subjects of committee meetings, group discussions and general conversation.

The exchange and circulation of information are major activities of any NFB convention. This year at the Monday morning meeting of the Board of Directors it was announced that the NFB now has several books available for sale to help people deal with different aspects of blindness. Several of these are brand new publications while others have been available before, but all are excellent. The following are the books we have:

## New Publications

<i>The Blind and Physically Handicapped in Competitive Employment: A Guide to Compliance</i> . . . . .	\$2.25
<i>Blindness and Disorders of the Eye</i> . .	\$2.00
<i>Handbook for Blind College Students</i> . . . . .	\$2.00
<i>A Resource Guide for Parents and Educators of Blind Children</i> , by Doris Willoughby . . . . .	\$4.95
<i>Section 504 and Blind Employees: A Guide to Reasonable Accommodation and an Illustrative List of Job Opportunities</i> . . . . .	\$3.95
<i>Why Section 504; Discrimination Against the Blind in Employment, a Case Review</i> . . . . .	\$4.95
<i>Your School Includes a Blind Student</i> . . . . .	\$2.25

Once again our beloved president, Dr. Jernigan, put many things into perspective for all of us during his Presidential Report on Tuesday afternoon.



### Presidential Report

"Before we move into the debate on resolutions, motions, and constitutional amendments, I want to give you an overall picture of what has occurred during the past year in this movement.

"As you know we completed moving the headquarters of the National Office of the Federation from Des Moines to Baltimore. We had nine semi trucks full of material. Some of that material was carried without cost to us by the post office because it was Braille and recorded material. Some of it was carried as a donation by Bekin Van and Storage, and some of it we had to pay for. It cost us some \$18,000 to make the move. The rent at the Randolph Hotel was going up. The Randolph as a building was deteriorating. The rent at the time we moved was at the rate of \$42,000 per year and that is for 16,000 square feet. We now have 40,000 square feet of floor space and we have all of our materials shelved so that it is get-at-able and also near a freight elevator which moves down to a loading dock. It's part of the newly established National Center for the Blind. That Center is yours—ours. I hope that as many of you as possible will visit it. I think you will truly be proud of what we have in that complex of buildings. We ought to be able to give better service than we have ever given. We ought to be able to have more seminars than we have ever had. We ought to be able to have people from every state—I don't know how many seminars, but we should be able to have at least five or perhaps six per year. The first of those to be held in our new headquarters occurred May 9 to 13.

"I think that the wisdom of the investment by the tenBroek Fund in that city block is born out by the fact that real estate people tell us that the buildings and land have increased very markedly in value during the last year. Whereas inflation is cutting the value of the dollar, the value of

the property there is increasing. It is estimated now that although we spent and will spend something over \$500,000 for the building and land and over \$500,000 for our remodeling, the worth of that property now is between \$2 and \$3 million. That's why we bought it. Some people said, 'Why didn't the tenBroek Fund simply put the money in the bank?' Because with a million dollars in the bank inflation would at least cancel the interest and the money would become less and less valuable. If we put that money into simply operating the movement and we didn't stir to try to fund ourselves, in a year or so, we would have nothing. On the other hand, by putting it into land and buildings, we have something that is increasing in value every day. We receive commercial rent from our tenants and we also have the fact that we have our own floor space there, better than we have ever had.

"A number of you have seen the building and I believe share with me the pride that we have in the National Center for the Blind.

"This in many ways has been one of our hardest years, but in many ways it has been our best year. We have indeed had our financial troubles. That is to have been expected. Our own efforts are beginning to make up the difference. During 1978 the NFB had a loss of about \$120,000 in total assets. We can't keep that up. But on the other hand, the increase in contributions from our own members, the increasing efforts in the Associates Program are beginning to take their effect, and I believe we can bridge the gap. In fact, we *must* bridge it or else we must cut our activities.

"During the past year we have had significant victories in the courts. The Kowalski case, which was written up in the *Monitor*, cost us some money, but we won it. We won it by negotiation. Under a 504 complaint, the University of Kansas was compelled to admit Kowalski as a law student. And I think that the value of that



to us reaches far beyond the borders of Kansas.

"The Steven Henry case was very expensive. However, we have now achieved a victory in it. It took a long time. Steven Henry, as you will remember, was working part-time in the post office in New Orleans. He was the victim of discrimination. We won by administrative ruling and arbitration and yet the postmaster there refused to honor the decision. Steven Henry was left to sit at a desk all day long with nothing to do as his job. He kept fighting. That case cost us almost \$40,000 dollars. That's a lot of money of yours and mine. However, the final results of that justify what we have done because the order has now been issued that Steven Henry must be given a full 40-hour-week status. He will receive some \$9,000 in back pay. He will get accumulated vacation, and I believe it will have precedent-setting value for the entire post office department throughout this nation. (applause) Steven Henry is at this convention (applause and cheers) and says that he intends, when the payments are made and the taxes are settled, to make a contribution to this organization. But (applause) whether he contributes or not, the principle of going out and fighting for the rights of one of us is important to all of us. (applause)

"We had the Ellen Schuman case in Connecticut. The victory came after last year's convention. In that case a blind Federationist in Connecticut applied for a position with the school for the blind to teach in the lower grades, and was turned down on the grounds that sight was essential to the job in question. The rule was made after she had applied. The Civil Rights Commission in Connecticut agreed with us that discrimination had occurred. However, the school took it to the court. The court decided against us. At this stage the Attorney General's office and we appealed to the Connecticut Supreme Court. The principal portion of the brief which was written in

the Schuman case was written by our attorneys, and was adopted by the Attorney General's office. We prevailed and Ellen Schuman was ordered employed and back pay given. (applause) That case has tremendous precedent value. Even though it is only a state court, nevertheless, it goes farther than any court decision that I know concerning the civil rights of the blind, for it says that in order for an employer to claim that sight is necessary to do a job in the State of Connecticut, that employer must show that *no* blind person can perform the duties of the job in question. (applause and cheers)

"There is also the long-standing Cleveland Society for the Blind case. Finally, we are beginning to get justice. It has been in the federal courts many years. The Circuit Court of Appeals has sent the case back to the lower courts. You will remember that the judge in the lower court said that the federal court did not have jurisdiction in that case. The Appellate Court has ordered the lower court to take jurisdiction. We will have our rights to arbitration, and the court will then still retain jurisdiction to see whether justice has been done. (applause)

"We have been busy on other fronts. Doug Usiak at the University of New York at Buffalo had a complaint with which we helped him when the university tried to prevent him from taking certain courses. That has been settled with our assistance. Carole Papastefan of Western Michigan also had a 504 complaint earlier this year. Material was put into her file which would have been detrimental to her. That material was ordered removed from the file and we prevailed. (applause) There is also Charles Hutchinson, social worker in Alabama. We filed a Civil Rights complaint. You can read the details of these cases in the June *Monitor*.

"We are still locked in battle concerning the Cincinnati workshop and the Houston workshop. An election was held as you know in Cincinnati. The workshop said

they would *not* bargain, even though they were ordered to do so by the Labor Relations Board. Now they have appealed and asked that a reversal be made by the NLRB, and I understand that the National Industries for the Blind with all of its wealth (indirectly your and my tax money) has hired the most expensive firm of lawyers to be had and is helping the Cincinnati workshop appeal the case. We, of course, are fighting to see that the rights of those workers are protected.

"Also, in Houston an election was held. I have no doubt as to who won it. The ballots were impounded until the National Labor Relations Board hears the Cincinnati and Houston cases in combination, and we will have to see where we go from there. But we are fighting on that front. (applause)

"We are still engaged in combat with the Federal Aviation Administration. You are aware from *Monitor* articles of the past year that many, many matters concern us with the airlines, not just canes and dogs—whether we can sit in the exit rows, how many of us can fly on one plane at the same time, whether or not we are allowed to travel freely. That is a court case that we certainly intend to win if we can, and I believe we can. (applause)

"There has been publicity this year, both good and bad. Evidence of how far we have come up the stairway of independence can be seen by the continued attacks upon us, particularly in the *Des Moines Register*, where there seems to have been a contact made by our opponents. The timing of the appearance of articles in the *Des Moines Register* would seem to be most significant. Or at least it appears that way to me. After the *Wall Street Journal* articles were published, then very shortly the *Register* came out with a big blast against me personally, against the Iowa Commission for the Blind, and against the Federation. Everywhere we go to try to improve conditions in workshops, just strangely by coincidence, there

are tens and hundreds of those *Des Moines Register* articles ready to be circulated. I don't think it's an accident. Also *Barron's* magazine had an article which was less than complimentary. It centered on me. Of course, an attack upon the president of this organization is an attack upon all of us. We know that, and so do our opponents. (applause)

"But consider the other side of the coin! Yes, we have had punishing publicity; and even some who say they are in our own movement have helped spread the malicious, false, vicious trash. But, on balance, we're far ahead of the game.

"*U.S. News and World Report* had an article concerning the hearings at the Labor Department that did a great deal of good for our movement. Our opponents went to the *Wall Street Journal* and also to *Sixty Minutes* and did their utmost to kill the stories which exposed the workshops and to try to turn those stories into an attack upon us. They failed miserably! (cheers and applause)

"During the past year the field of work with the blind has been in tremendous flux. It is an indication of the fact that we are making great progress as a people and as a movement. Some of the things that have happened, of course, have been unpleasant. Some have not been things we might have liked. But the point is that the old iron-clad, monopolistic, absolute inflexibility of this field is gone. (cheers and applause)

"In New York, partly as a result of our efforts, agencies for the blind were exposed and audits showed that there was gross mismanagement of funds.

"In Oregon recently the Director of the Commission for the Blind said he was moving on to broader professional horizons. In Texas, amid a flurry of charge and counter-charge, Burt Risley (the long-time head of programs for the blind) has just resigned. We do not know what will occur with respect to a replacement in either Oregon or Texas, but we do know that there is an

opportunity in both instances for us to have our say and try to improve services.

"In Michigan a real battle has been taking place. Last year, through our efforts services for the blind were separated out and a Commission was established. (applause) We were unsuccessful in getting the candidate we would have liked as director of that Commission. However, we have been successful, through negotiation and through court action, in making that Commission responsive to the wishes and opinions of the blind and it is noteworthy that our own member, John Mullin, is the Chairman of the Commission Board. (cheers and applause)

"In the State of Arkansas programs for the blind are in flux. It is not clear yet whether the head of rehabilitation, one Russell Baxter, or the head of the Bureau for the Blind (who is also, as you know, the head of NAC), one Louis Rives, will continue in office. But it is clear that things are stirring there.

"In Missouri the Director of Services for the Blind has resigned during the last year, and a search is now under way to fill the position.

"In Colorado the Legislature authorized a study to be made of programs for the blind and I believe it is worth your hearing that resolution. I am going to ask Mrs. Omvig to read it to you."

Mrs. Omvig then read the resolution as follows: "Senate Joint Resolution 13: A study of all state programs serving the blind and visually impaired citizens of Colorado which are under regulation or administration by the Office of Services to the Blind and Visually Impaired in the Department of Social Services with the direct assistance of the National Federation of the Blind of Colorado for the purpose of ascertaining the benefits provided by said programs to blind and visually impaired citizens of the state making recommendations as to future directions that should be taken by said programs and developing timetables for

implementing such recommendations.' " (cheers and applause)

President Jernigan then continued: "You will observe that that resolution calls for a study and that it says that the National Federation of the Blind shall be involved in it. It doesn't mention any other group. (cheers and applause)

"In the State of Alabama the agency has undergone profound changes, and will probably undergo still more. There is talk of possible indictments and furthermore, our own Alabama President, Euclid Rains, has been elected to the State Legislature. (cheers and applause, prolonged)

"You can see from this cataloging of events that the last year has brought to us as blind people as much progress and advancement as we have ever had during a comparable period of time, but it has also been rough. (applause)

"I mentioned to you yesterday at the meeting of the Board of Directors, and I mention again, that we have now developed our own set of professional literature in different fields: education of the blind, rehabilitation, 504 compliance, etc. We should see that this material is placed in schools and libraries throughout the entire country. The American Foundation for the Blind can no longer claim that it has a monopoly on what it calls 'professional literature' about blindness

"As I have said, our financing in one sense has been a problem because we came out in the deficit column. However, we had more money come in in PAC than ever before. In 1977, if I remember correctly, some \$90,000 or \$91,000 came in in PAC. Last year \$131,000 came in. And I believe this year during the first six months, we have taken in some \$76,000 in PAC. I believe we can hit the \$200,000 mark at this convention and the 1,000 PAC plan member mark. We must. (applause)

"The Associates Program is beginning to move. I believe that a lot of people will join with those who have recruited members-at-

large and then get them to contribute as associates. What George Russell, E. U. Parker, Sandy Sanderson, Terry Harris, Sharon Gold, Shelia Byrd and Gail Flateau have done, the rest of us can also do—and we must. We can finance our own movement! (applause)

"I first came to a national convention in 1952. I have been to every national convention since that year. I don't know whether anybody else here has been to every convention since 1952, but I would say this: we have an encouragingly large number of brand new people at this convention this year for the first time. That bodes well for the future of the movement. (cheers and applause) Next year we will go to Minnesota for the convention. (cheers and applause) We will be at the Leamington Hotel and the Curtis Hotel. The rates are \$15 for singles and \$19.50, doubles and twins. 1981 is still open, but in 1982 we're going back to Minnesota because we are getting excellent rates, taking the two-year package. Those of you who were in Minnesota in 1970 know what a good hotel the Leamington is. It's even better now. (applause)

"I wish to conclude this Presidential Report by saying to you that I have always felt that my presidency and this administration rest firmly in the grass roots of this movement, and not in any other place. I have never hesitated to go to the people. Now who are the people? I regard the delegates at this convention as the people of the convention. (cheers and applause) We are the people and we will settle what the Federation will do in its structure, in its functions, and in its goals. I would say one thing more: I have told you that at any time a vote of confidence in this administration should be called for, I am prepared for that vote to be put. It will not take a two-thirds vote. If a majority of states should ever feel that there should be a change in presidency or a change in administration, then this president and this ad-

ministration will step aside and will not sulk, will not quit the movement, will not cause problems, will not cease contributing financially, but will follow whoever is elected. (cheers and applause) I have said to you also that as far as I am concerned, there is an understanding, a bond between the members of this organization and the presidency. That bond is this: I believe that you did not elect me to be simply a do-nothing president. I believe that you would as soon, perhaps sooner, put me out as president for not acting as for acting, even if the action should not be always with the best judgment. You might put me out for that, too, but you certainly would put me out if I saw challenges and did *not* act when action was called for. (cheers and applause) I believe that I have an obligation to put on the line my reputation, my livelihood, my strength, whatever I have. And I think the membership has an obligation, as long as I am president and as long as I do that, when the clenches come, to support me and stand with me in the battle. (prolonged cheers and applause) I believe that you have the right to remove me at any time as president, but that as long as I am president and as long as you leave me in, then I must be able to speak with the united voice of this organization. I have promised you in the past and I tell you again that, as long as I am president, I intend to *lead* this movement. (cheers and applause) I intend to lead it in the way that I believe the average member of this movement *wants* me to lead it. To the best of my ability, I'm going to try to do as president what I believe you want me to do, and I'm not going to be deterred from that by threats from within or without. (applause) That is my pledge to you, and what I request from you. I believe we will solve the problems we face today as we have solved the problems we have faced in the past, and I believe we will go on to a bigger, a stronger, a better Federation than we have ever known. I believe we are only on the threshold of the progress." (cheers



and applause)

## Election

Four two-year Board positions were up this year, and the elections occurred Wednesday morning. E. U. Parker, President of the NFB of Mississippi, was re-elected. Al Evans, President of the NFB of Massachusetts; Sterling France, President of the NFB of New York; and Norman Gardner, President of the NFB of Idaho, were chosen as new members of the Board. The terms of these four will expire in 1981. The terms of the Officers and the remaining Board members will expire in 1980. They are: Kenneth Jernigan, President; Donald Capps, First Vice-President; Rami Rabby, Second Vice-President; Lawrence (Muzzy) Marcelino, Secretary; and Richard Edlund, Treasurer. The remaining Board members are: Beth Bowen, President of the NFB of Florida; Robert Eschbach, President of the NFB of Ohio; Diane McGeorge, President of the NFB of Colorado; Peggy Pinder, member of the Board of Directors of the NFB of Iowa; and Joyce Scanlan, President of the NFB of Minnesota. As Immediate Past-President, Ralph Sanders serves on the Board.

## Report from the NFB Washington Office

The following is excerpted from the report of James Gashel, Chief of the NFB Washington Office.

### Progress with the Airlines

"... on January 10, 1979, the FAA published official notice that the petition of the National Federation of the Blind to overturn its rules had been reopened for reconsideration. On May 3, 1979, a notice was published in the *Federal Register* and it's an important notice. The notice dealt with the petition and specifically with the question of: Were we going to be permitted to carry canes on board airplanes. ... that comment period has been extended to August 5. ... (an urgent request was made

that conventioners write to the FAA) And here are the specific questions that they want a response on. These are fairly biased as you can see. You need to point this out in your comments. You need to know the questions, and you need to be responsive to those questions:

1. Can blind passengers evacuate an aircraft in an emergency situation without the use of canes?

I think you might want to say that isn't really the question. The question is should they?

2. Would canes be of any benefit in an aisle scattered with debris and crowded with people?

I think they would.

3. Can telescoping or folding canes be carried by passengers instead of rigid canes?

I'd say *no*, not if they don't want to.

4. Can canes be safely stowed within the immediate area of a passenger?

5. If stowage of canes is only available at certain seats, are blind people willing to be restricted to those seats? (chorus of 'no' from the audience)

All right. Now what you've got to do is tell that to the FAA in language they can understand and by the thousands. ...

"On November 15, 1978, the National Federation of the Blind petitioned the Civil Aeronautics Board to issue nondiscrimination rules under Section 504 of the Rehabilitation Act of '73 and Section 404 B of the Federal Aviation Act. It is truly the Civil Aeronautics Board that regulates matters related to discrimination, and that's the forum we want to have this battle in ultimately. On June 5, 1979, the CAB issued proposed rules in response to the NFB petition.

"Now these proposed rules are in general rather good. There are some problems with them. In general they take the line that restricted seating arrangements and special

boarding arrangements and that sort of thing really can be considered discrimination. We're moving to establish public policy truly to prohibit some of the more heinous forms of discrimination which blind people face when traveling on airlines.

"There is one problem we do have to deal with. That relates to the matter of canes. The Civil Aeronautics Board in its proposed rules decided to duck the issue by saying that people would be permitted to have access to canes and crutches at all times except as prohibited by Federal Aviation regulations. ... What we've got to do is get this clarified in the final rules. Comment period ends September 5. We've got to let the CAB know that we want a specific rule saying that we can hang on to our canes and that taking them is discrimination. You have to let the CAB know that, or the rule as they've now proposed it will probably be put into effect.

"The Association of Flight Attendants and the National Federation of the Blind have negotiated a joint position which goes like this: We agreed on the principle of blind persons having immediate access to canes while traveling on the airlines. That joint position has been helpful to us in the entire negotiating process. The flight attendants filed a supporting amicus brief on our behalf in our lawsuit against the Federal Aviation Administration. Several flight attendants groups have been coming regularly to the Federation because they have heard our message and they want our advice about procedures and guidelines."

#### 1978 Rehab Amendments

Mr. Gashel also reported on the results of NFB work and input into the 1978 Amendments to the Rehabilitation Act: "After a good bit of work while the bills were in the House of Representatives and the Senate, we ended up with a kind of compromise. When the Rehabilitation Amendments of 1978 Public Law 95602 were signed, we had a new Section 314.

That section is called Reading Services for the Blind. Special projects are authorized for the states. State agencies will be able to apply, when money becomes available, for special project funding to provide reading services for the blind who are involved in education or employment. Those reading services can include live readers, transcription of books into Braille or sound recording and the distribution of devices which are used in providing access to print information. This is the first time we have had anything like this in the Rehabilitation Act at all. We, the National Federation of the Blind, did this.

"In addition, there is a new title to the Rehabilitation Act which is Independent Services for the Handicapped. Part C of that title is Rehabilitation Services for Older Blind persons. Money will become available this year for this. When this money does become available, states will be able to apply for special grants to provide rehabilitation services for older blind persons. The older blind projects are entitled to ten percent of the over-all appropriation. That means that \$200,000 should be available for this year and \$1,000,000 should be available for fiscal 1980. This projects substantially expanded funding for rehabilitation services for older blind persons. We prepared that legislation, and it is *now law*. This organization had its voice heard once again."

Mr. Gashel reviewed recent progress toward minimum wages for blind workers in sheltered workshops, both the legislation as it makes its way through Congress and the hearings and consideration of the Department of Labor. He urged NFB members to write the Department of Labor letting them know that we support minimum wages for blind workers.

He reviewed recent developments with regard to the 1974 Randolph-Sheppard Act Amendments (see July-August *Monitor*). He announced that the dates have now been set for hearings in the Jessie Nash case

(see August-September, 1978 *Monitor*).

"This has not been easy to achieve. Just because the law says there is going to be arbitration, it doesn't mean, as we're learning, that you're going to have it. What we have to do is have a lot of pressure—these oversight hearings, along with other pressure that we have mounted during the past year. Despite the state of Georgia's continued protests as late as April of this year, they will be made to come forth to the arbitration table to deal with Jessie Nash in terms of fairness and equality, rather than through an unfair state level hearing process."

#### Civil Rights Legislation

"We have long advocated amendments to the Civil Rights Act of 1964, and during the 96th Congress things are stirring. Senator Harrison Williams, who is Chairman of the Committee on Labor and Human Resources in the United States Senate, has introduced S446. This is a bill which adds the phrase 'handicapping condition' to Title VII of the Civil Rights Act of 1964. This is the employment title which currently prohibits employers from engaging in discriminatory practices on the basis of race, sex, national origin or religious preference. Amending Title VII of the Civil Rights Act would give us another legal remedy against discrimination in employment. It would cover the areas that are not now covered by Section 503 of the Rehabilitation Act of 1973 and the state laws. So it's important.

"There are currently 20 co-sponsoring Senators. On June 20 and 21 hearings were held in the Senate on this bill, and the hearing record will be favorable. Each one of you should contact your Senators and ask them, if they have not already co-sponsored S446, why not. Encourage them to do so. If they have co-sponsored S446, thank them for doing so and ask them to work for the bill. ..."

Mr. Gashel described several problems with the bill to amend the Social Security

Act that has currently been introduced into Congress. We need to contact our Senators to work on correcting these problems.

HR3464 seeks to improve work incentives for SSI disabled recipients—extending these work incentives to other disabled people besides the blind and increasing the amount of earned income that is excludable in consideration of benefits to which individuals are entitled.

On April 30, May 1, and May 2 Federationists had a "March on Washington," and the effort was very effective in advancing NFB policies.

The Veterans Administration was considering using NAC to accredit VA blind rehabilitation facilities. After consideration VA turned NAC down flat. This was a result of follow up work on a resolution we passed at the 1978 NFB convention.

"This has been one of the finest years for the NFB, because you people speak out and let your letters and your telegrams and your phone calls be heard. Thank you for doing that, and let's keep it up."

#### Convention Speakers and Program

There is simply not space to quote from all the very interesting and informative speakers that addressed NFB delegates during the 1979 convention. Readers are familiar with the following speakers: Miss Mary Levering, Assistant Chief for Network Development, reviewed the work of the National Library Service for the Blind and Physically Handicapped over the past year. Dr. Dennis Wyant has been promoted to a new position as Deputy Assistant Secretary of Labor for Veterans Employment, United States Department of Labor. Washington, D.C. Mr. Owen Cudney, of the firm Cudney & Ecord & McEnroe, Certified Public Accountants and NFB auditors, talked to the convention about the work of a certified public accountant in auditing our books and the protections and assurances which such an audit provides.



Federationists in Elective Office was the topic of a stimulating and entertaining panel discussion on Wednesday morning. Participants were: the Honorable Gilbert Ramirez, Justice of the Supreme Court of the State of New York, New York, New York; the Honorable T. Euclid Rains, Sr., Member of the House of Representatives of the Alabama Legislature, 25th District, Albertville, Alabama; and the Honorable Louis C. Corbin, Circuit Judge, 4th Judicial Circuit, State of Florida, Jacksonville, Florida. The panelists spoke with candor and charm. Each demonstrated a true grasp of the process of campaigning and elections and shared personal experiences with the audience.

Steve Handschu, Fine Arts Coordinator for the National Federation of the Blind, introduced Larry Malloy, of the National Endowment for the Arts, with these remarks:

"When we talk about art, what we're talking about—whether it's the creation of images in sculpture and in painting, whether it's through the use of the human voice, the spoken or written word, in the fields of performance or the creation of objects—what we're talking about is the fullest development of human expression. What we're talking about is perhaps the deepest form of human communication. I would ask you to consider: What does it mean if we are denied full access to training as artists, opportunity as artists and, for most of us, of much more consequence, the use and enjoyment of art facilities and art programs? What it means, my fellow Federationists, is that we are considered less than full human beings.

"Larry Malloy is here with us today. He's the Director of Special Constituencies for the National Endowment for the Arts. I assume that special constituencies means us. He'll tell us. I want to say to you that Larry is a friend of the organized blind movement. He was an associate member of this organization before he came today and now his entire family are associate members. Furthermore, within a week his entire office will be

associate members."

Mr. Malloy explained that the National Endowment for the Arts was the second federal agency to have adopted regulations for Section 504 of the Rehabilitation Act. And he continued: "Along with them, we have a series of twelve different publications that are distributed to arts organizations across the country telling them how to do it, how to go about it. One of the key, integral steps in our materials, something we advise arts organizations to do, is to convene advisory councils. And on those councils, we advise arts organizations to seek the assistance and the help of the National Federation of the Blind. (applause)

#### 1978 Rehabilitation Amendments Panel

On Thursday afternoon Dr. Jernigan shared a panel which discussed the provisions of the 1978 Amendments to the 1973 Rehabilitation Act, some of the new provisions, funding and the regulations that are being developed with regard to these amendments. The participants on this panel were Mr. John Taylor, Director, Iowa Commission for the Blind; Dr. Robert Winn, Director, Bureau for Blind and Visually Handicapped in HEW; and Mr. James Gashel, Chief of the NFB Washington Office. There follows excerpts from the comments of each of these panel members and some comments and questions and answers following the opening remarks.

Mr. Taylor: "... One of the changes that occurred in the Act Amendments affecting the rehabilitation programs was a change in the appeal and fair hearing process for rehabilitation clients. Heretofore, there has been a requirement for a fair hearing on the state level. Congress added this time an appeal beyond the state level to the Secretary of the Department of Health, Education and Welfare. Any person who has a hearing on the state level and is dissatisfied with that hearing may appeal to the Secretary of HEW. The Act says that the Secretary may not

delegate the decision on that appeal below the level of an undersecretary. The Secretary's decision is not, however, final. The Secretary makes recommendations back to the state. I think it can be generally assumed that great weight will be given to the recommendations which come from the Secretary of the Department. . . ."

Mr. Taylor then discussed other new provisions of the Act: reader services, comprehensive services to older blind persons, and services to the deaf-blind. He expressed concern at the lack of funding for some of the new provisions. He said that "there is great promise in the Act itself. But without the funding that makes that promise a reality, very little is likely to happen."

Dr. Robert Winn, Director of the Bureau for Blind and Visually Handicapped, Rehabilitation Services Administration in Washington, said: "How many times have we heard such statements from rehab counselors as: 'I'm sorry Mrs. Smith, you're sixty years of age, and you don't have much rehabilitation vocational potential. I realize that you have to supplement your pension, but really there is nothing I can do for you.' Or, 'Mr. James, we have spent a great deal of money training you in your college career. I have my closure, and I'm very sorry that you're having problems receiving reader service in order to carry out your law practice.' If the potential of the new Rehab Act Amendments of '78 comes to fruition, we will hear no such statements any longer." Dr. Winn discussed some problems we must now face. He pointed out that it is a big job to get good regulations and then good guidelines written. Then the level of appropriations must be realistic. Then state plans must include the provisions of this act. "Presently," Dr. Winn said, "there is a push, it appears, to fund part B, and not part A. If part B is funded and part A is not funded, we will not have part C" (the older blind comprehensive services provisions).

"I told you one year ago that one of my major goals was to obtain our own research and training center for the blind. It has been concluded. It has gone to North Carolina."

Mr. Gashel, head of the NFB Washington Office, said: "Let me go through the authorization funding levels with you for the basic program, and give you some notion of what the picture is. For the fiscal year 1979 there is authorized \$808 million. . . . What was done in this law was an innovation really. Funding for vocational rehabilitation has in recent years lagged seriously behind inflation increases. So in Public Law 95602 the specific increases from 1979 to fiscal '82 would be in accordance with the increases in the cost of living. . . . Future increases could not exceed certain levels. For fiscal 1980 the appropriations are authorized to be no more than \$880 million for the basic program; for fiscal 1981 no more than \$945 million; for fiscal 1982 the amount could be no more than \$972 million. The specific amounts are left to increases in the price index as they occur."

"For 1979 the picture looks something like this. The appropriations bill passed the House last week—HR4389. That bill contains actual appropriations for fiscal 1980 of \$817 million. For fiscal 1979, . . . they've been operating under a 'continuing resolution' at the 1978 level. A supplemental appropriations bill for 1979 has passed the House. It authorizes appropriations of \$808 million, the same as the authorization level for 1979. But 1980 is far below the authorized level. This Administration is working its will on cutting appropriations for rehabilitation, that's for sure."

Mr. Gashel then compared Administration recommendations for funding the independent living sections of the law with the authorized level of money. 1979: \$2 million as opposed to \$80 million authorized in the law; for 1980 only \$10 million

as against \$150 million authorized in the law.

"This is a very complex law and does have a lot of good features in it." He pointed out that Title V of the Act includes legal remedies for the handicapped and includes federal agencies, as well as federally assisted agencies among those that must comply with this Act.

"Finally, there is the new Title VI of the Rehabilitation Act which is a jobs program. This is a kind of CETA type program, authorized level of \$260 million, of jobs for handicapped persons for the next four years. So far the Administration has not requested any appropriations. We're going to have to fight for that. It is important to know that this provision originally permitted subminimum wages to be paid to handicapped workers in the jobs program. However, that is no longer the case as a result of action which this organization took during the working out of this legislation. Because of our efforts alone, the following sentence now appears in the jobs program section: 'the Department of Labor shall not issue any certificate of exemption under Section 14C of the Fair Labor Standards Act of 1938 with respect to any person employed in projects under this Act.'"

Mr. Taylor asked Dr. Winn if his office would produce in Braille the regulations of these amendments. Dr. Winn said this would be done. Then Rami Rabby and Dr. Jernigan discussed with Dr. Winn what his office could do to see that the contract for this Braille would not be given to the Cloverbook Press, since it is NAC accredited and pays subminimum wages to its employees who are blind. Dr. Winn said he would write a letter to the General Services Administration saying that many blind individuals would be opposed to a contract that did not consider the subminimum wages, even though this might mean making a contract with a bidder that was not the lowest bidder for the contract.

Mr. Gashel mentioned that there is more

and more evidence for the need for separate agencies serving the blind. There are now three federal programs—reader services, services to the older blind, and the Randolph-Sheppard vending facility program—that are special programs for blind people. During the past year, the state of Montana passed legislation providing that services for the blind should be separate from other rehabilitation services.

### The Minimum Wage and the Right To Organize—A Panel Discussion

In introducing the panel on this topic, President Jernigan began, "Here we have a panel that is as important as anything we're likely to run across. It has in one way or another been the subject of *Wall Street Journal* articles. It has been the subject of a picket line more than once. We stood in Cincinnati at the Association for the Blind. We have bargained in Houston, or tried to. The question is now before the NLRB. We have dealt in one way or another with this in Chicago. We are facing the question in this panel of sheltered workshops, the minimum wage and the right to organize. We have on this panel Ralph Sanders, who is President of Blind Industries and Services of Maryland, as well as a past president of this organization; Mr. Donald Elisburg, who is the Assistant Secretary for Employment Standards, United States Department of Labor, Washington, D.C., and who has been responsible for our being able to make presentations to the Department of Labor concerning this matter; we have Mr. John C. Truesdale, who is a member of the National Labor Relations Board in Washington, D.C.; and we have Richard Edlund, who is Treasurer of the National Federation of the Blind and who has walked the picket line on more than one occasion. . ."

Mr. Sanders: "Thank you, Mr. President. I am glad to be able to come before this organization representing Blind Industries and Services of Maryland, an agency that

has proved in the last few years that blind people are productive and can earn, should earn and should be paid the minimum wage. (cheers and applause) In 1975 Blind Industries and Services of Maryland had reached the point of virtual bankruptcy. Except for a small handful of production employees, all had been laid off. The plants were essentially closed. There was serious consideration given to closing the agency. Since that time we're back to full production. This year we will produce and ship into the commercial and governmental markets close to \$4 million worth of goods and services. We will pay production employees at present an average hourly wage of \$3.19, with no employees making less than the statutory minimum wage. In addition to wage payments, in those three years, we have been able to increase the pension plan for production employees by some 300% in benefit values.

"Today better than 50% of the hourly wage average is in addition contributed in a benefit program that includes vacation, sick leave, health insurance and pension and other ordinary industrial benefits. We think the answer to how we've done it is fairly simple, consisting of hard work, cooperation between management and production, and working out alternative techniques to insure that blind employees are productive on the assembly line. Since 1975 ... we have been able to increase our production by fourfold with a substantial increase in wages earned by production employees.

"I should explain to you that Blind Industries and Services of Maryland operates three manufacturing centers across the state of Maryland— one in the western end of the state at Cumberland, one in the eastern end of the state at Salisbury, and one in the Baltimore area. In addition to operating the industries division, the agency is the licensing agency for vending facilities on state property and is the nominee agency for facilities on federal property and operates a rehabilitation training program in the state of Maryland. I explain

that to you because a number of you have come to me at this convention and said we hear that the reason you can pay minimum wage is because you get this great and tremendous state subsidy. At the Labor Department hearings in June many of the workshop directors who came in opposition to the NFB petition said in their testimony that the reason Blind Industries could pay minimum wage levels was because of the substantial subsidy. What people don't ever stop to talk about is the total size of the agency program. We're not simply an industries program agency. We do receive annually more than \$1 million in appropriations from the Maryland General Assembly. Let's also take note of changes there. Prior to 1975, the agency had been receiving more than \$1,200,000 per year. So we've reduced the state appropriation, we've expanded production, we've reduced the amount of government money put into the industries program by more than half, we've more than doubled the wages and we've turned the agency to sound financial status. That's clearly a result of the productivity of blind production employees. It is also said that we can pay minimum wage because we do not hire the severely multiply handicapped. ... 34% of our production force is severely multiply handicapped."

Mr. Sanders continued to explain that receiving a respectable amount of wages helps increase productivity of employees, just because of the attitude it creates. He also explained why he believes that the piece rate practice is not a fair measure to determine wages in sheltered workshops for the blind, because each employee must move around from one job to another much more often than in large industry where the volume of each item produced is so much greater.

Dr. Jernigan: "We owe some gratitude to the person who is our next panel member for helping us get heard. It's not always been easy for us to get people even to listen



to us when we had something to say. . . . Now we've had a chance to get some hearings and the comment period is still open. One man who has been key in giving us a chance to be heard is Mr. Donald Elisburg, who is the Assistant Secretary for Employment Standards, United States Department of Labor, Washington, D.C." (applause)

Mr. Elisburg: "... I'd like to just outline the problems as we see them and how we at the Department of Labor are attempting to confront this very serious issue. Last year my boss, Secretary Marshall, gave a pledge on the Department's effort to end discrimination against the handicapped. I think we've taken some strong steps this year to live up to that promise that he made to you a year ago."

Mr. Elisburg mentioned that the Department is doing a great deal toward the enforcement of Section 503 of the Rehabilitation Act in dealing with federal contractors hiring the handicapped.

With regard to sheltered workshops, he said, "We're in a very troubled period, as witness the *Wall Street Journal* articles, *Sixty Minutes*, *U.S. News and World Report* and the other people who carried your concerns so well. I think that we're in the process, probably for the first time in decades, where we need to look at the basic foundations of the concept of what is a sheltered workshop and what was it intended to be? I think it's important for those in government, those of us who have the responsibility for policy-making, not to be afraid to rethink the old ideas. I think we're headed in some very new directions in our society. It may be well that we can amalgamate those directions with the old concepts. It's important that we not break with the past precipitously. On the other hand, it's very important that we not be slavish to the past just because it's always been done that way.

"We find how important it is to look at that concept when you think about the other parts of our civil rights enforcement

effort in the last fifteen years. For those of us who have been involved in securing equal rights employment opportunities for minorities and women, we have always been confronted at the first step with the belief that it can't be done, and that there are reasons why it shouldn't be done and that those reasons are firmly rooted in tradition. And most of the time that tradition is firmly rooted in quicksand. . . . Therefore, we have to start with the basics and figure out whether they still have relevance.

"The sheltered workshop studies that the Department has published in the last couple of years have left me personally with some very troubling questions. The National Federation of the Blind petition I think is going to serve as a very important process of evaluating just what these mechanisms are and where we should really be looking to the 1980's.

"I'm sure you'll appreciate that as the judge in this hearing I'm not in a position to give you an answer as to where we're coming out. I'd like to say that those who were involved in the process thought it was the most stimulating event that they had had happen in this program in years. (applause) We had 2½ days of hearings. We had 26 witnesses. We received more than 200 written comments. We've been asked to keep our record open until the middle of this month or so which we will do, because we want to get everybody's comment."

Mr. Elisburg continued to summarize the arguments presented to the Department of Labor, both pro and con regarding the NFB petition. (See the September issue of the *Monitor*.)

Next panel member, a member of the National Labor Relations Board, Mr. John C. Truesdale: "We're talking about the right to organize. Put it another way: Are workers in sheltered workshops entitled to the protection of the National Labor Relations Act? I put it that way because everyone has the right to organize. The important question is: Are they protected? If

workers in sheltered workshops choose to organize, can they be fired or otherwise discriminated against for exercising that right? If they choose to organize and a majority of them elect a representative, can their employer be required to bargain with that representative?

"Since the decisions in the Cincinnati Association for the Blind and the Lighthouse of Houston have not yet been issued, I am not permitted to discuss these cases."

Mr. Truesdale discussed the history of the policy of the NLRB not to take jurisdiction in cases involving sheltered workshops for the blind. He indicated that this policy was based on the assumption that the main purpose of the workshop may be therapeutic, rather than employment, but this has always been controversial. He read from the dissent from the decision in the 1960 San Diego case when the Board refused to take jurisdiction. The dissent indicated that it held that the employees still had rights. By 1970 the position of the Board regarding cases involving nonprofit employers began to change. Congress passed Health Care Amendments in 1974 bringing not-for-profit hospitals under the jurisdiction of the NLRB.

"In 1976 the Board was presented with the question of whether jurisdiction should be asserted over the Chicago Lighthouse for the Blind and they did so. . . . They stated that the sole basis for asserting jurisdiction over charitable organizations will now be identical with those which are not charitable. Thus we will classify employers such as these according to what they do as with any other employer, for the purpose of determining the applicable jurisdictional standard.

"Next case, Goodwill Industries of Southern California. The Board took jurisdiction, found that clients involved were employees within the meaning of the Act, but then dismissed the case on the ground that the single overriding purpose of the employer-client relationship the Board found there was rehabilitation.

"Finally in Cincinnati Association for the Blind the Board took jurisdiction over the case and, finding that the situation was different from that of Goodwill of Southern California, directed an election which the union won. (applause)

"In the scheme of our statute a Board ruling in an election case can only be appealed to court in an unfair labor practice proceeding. To avail itself of this right of court review, Cincinnati Association refused to bargain, a complaint was issued, and the matter is now back before the Board. In the meantime another case came along, Lighthouse for the Blind of Houston. That case is before us as well."

Like Mr. Elisburg, Mr. Truesdale could express no opinion, since the decision is still pending with regard to the Cincinnati Association and the Houston Lighthouse. He repeated that the Board policy is changing and that there may not be a unanimous decision. He indicated that he planned to stay for the banquet on Thursday evening.

No questions were put to these panel members from the President of the NFB nor from the audience, because of their positions with regard to cases that affect us. Dr. Jernigan gave Mr. Elisburg and Mr. Truesdale each copies of the NFB article, "NAC Unmasked—The Kettner Case," and his speech to the Teamsters in 1978, "The Blind and the Teamsters: Partnership and Progress."

Dr. Jernigan: "We as blind people have a great deal riding on the decisions which these two people will be involved in helping to make. We are told by the workshops that we have the same goals that they have. Not so! We as blind people know we have been herded like cattle and driven like slaves. (applause) It has not been that we are not as productive. Every employer from the beginning of time has said that if you enacted a statutory minimum wage and made him or her abide by it, you'd drive him or her out of business. It's always been

said. You know it. Furthermore, if you leave any employer to police himself or herself, to determine whether or not the workers are productive enough to deserve a minimum wage, as Harry Truman said, 'The lower the minimum, the better they like it.'

"We are a representative sample of the blind of this country. Many of us are sheltered workshop employees. We are not less productive than others. It is simply that we have not been allowed to organize. After the Chicago Lighthouse election was lost, and lost partly because of pressure and intimidation tactics, leaders who had helped to organize and dared to stand up were fired, and we had nowhere to go. . . . We'll continue to try to help to support the people who stand on the front line to fight for the right of blind people to organize. . . . The final member of the panel has been out there on those picket lines. Here is Dick Edlund." (cheers)

Mr. Edlund spoke as follows: ". . . When I went to Cincinnati in 1977, I saw people there who had been in that plant for 22 years as so-called trainees earning 58 cents an hour. And we've got some of those people in the audience right now. (chorus of dismay) These people were not allowed to work perhaps more than six months out of the year, laid off frequently, disciplined for various reasons, although this didn't really require reasons. Some of these people didn't feel that they had a much better shake than that coming. We talked to them. Those people had to make a big decision that they were really going to put it on the line. Fortunately, they did. . . . Houston represented something different as far as sheltered workshops go. It was probably at the other end of the spectrum. The minimum wage was being paid in that plant, and there were a number of fringe benefits, vacation, holidays, sick leave. They were almost like real people, a good set up.

"I had to ask the employees of that plant: Why do you want to be organized?

They said it's simple. We've got these things, but there's nothing very firm about it. We want protection by organized labor to deal with management. That's the protection that's offered to everybody else today in this country, everybody except the disabled.

"Let me tell you about another place I visited, a shop facility. You had dormitory facilities. You ate, lived, slept, worked and died right there at the same place I suspect. I found a number of blind people there who passed as severely multiply handicapped. One such young man was 26 years old, classed as severely multiply handicapped. Besides being blind, his other handicaps were that he had arthritis in one shoulder and he was twenty pounds overweight. The pitiful part of that was that they had been taught that that's probably the best shake in life that they had coming. That state pays SSI at the rate of \$225 a month. That fine institution was taking \$200 of their \$225. The blind could retain the \$25. They had gone to the state legislature and gotten additional funds to modernize the shop facilities and the house for the people to live in, several hundred thousand dollars. I failed to see where anywhere near that sort of money was spent. If you were a client-trainee, as the blind people were called there, and if you were able to work a full five day week and the shop didn't run out of labor and your machine didn't break down, for your full five days of labor, you would receive \$22.07. That's last year, not 100 years ago.

"I've seen how it really is. I believe that the subminimum wage is nothing more than a very flimsy excuse for very, very sorry management."

#### **Programs for the Improvement of Justice—My Personal Experience**

A talk by Dr. Daniel J. Meador, Assistant Attorney General, Office for Improvements in the Administration of Justice, United



States Department of Justice, Washington, D.C. Dr. Meador accepted his current position when it was first created in February 1977.

He said that three months later, "We were just getting things rolling. I somewhat unexpectedly entered the hospital and in the spring and summer of 1977 I left the world of the sighted. I have been now two years working back in that situation. I want to just share a thought or two about that.

"In the summer of '77, when I was in and out of the hospital and in and out of the operating room about four times, I didn't know what to do. I submitted my resignation four times to the Attorney General. Each time he didn't pay any attention to it. (applause) I did it three times orally and then finally in writing. I did not want to be a dog in the manger, holding on to an office and yet not be there able to perform. He sent the written one back, too, and said 'get on back here when you can.' I thought of my son who plays ice hockey. . . . You get up and you go on back in the game. At the same time there was another voice saying, lay out for a while, regroup. Think about what you want to do. I had a disability insurance policy that would have sustained me and my family for about a year. . . . Finally, though, I went back. I plunged back into the work. (Actually I had been on the telephone two or three hours every day I was gone except the days I was in the operating room.) So we kept things going, and I went back. I had a grand staff. . . . Then there was the final operation a little over a year ago that confirmed that that was the end of the line. There was no more hope that I might regain sight. I began hearing those conflicting voices again. I had not seriously attempted to get hold of the situation. I had been living with the illusion that sight might come back. So I didn't quite know what to do. I called a man I had met at the Smithsonian, Harold Snider.

"I said, 'Do you know somebody I can

talk to about this whole situation to get this act together?' He said, 'Yes, there is a man named Dr. Kenneth Jernigan, (applause) and he's just moved to Baltimore.' This was a lucky stroke, not far away. And so I went to see him, and I think that conversation (it lasted two or three hours) was probably my real turning point.

"I said among other things, 'There are two things that I want here immediately: some good mobility instruction and some good Braille instruction.' . . . I had not taken either one very seriously up to that point but I'd come to the time when I thought I had to. I said, 'I would like it if you can recommend to me a mobility instructor and a Braille instructor who cannot see.' I didn't want a sighted instructor on either one. (applause) So he said, 'I'll see what I can do. I think I can fix you up.'

"The long and short of that is that I met two men in Washington that have meant an enormous amount to me. I could not possibly pass this occasion without paying tribute and expressing gratitude to them. They are Jim Gashel and Charlie Brown.

"Charlie Brown (the president of the National Federation of the Blind of Virginia) took over the Braille instruction. . . . He came to my office through rain, sleet and snow and we had a Braille session once a week. . . . It was the only way I could do it and carry on my responsibilities to the Department of Justice. So once a week he dragged and pulled me through Grade 2 Braille. I was trying to practice at night and going back and forth to work. We finally made it through. The ultimate pay off of that was when, yesterday they handed me the agenda for the meeting in Braille, I could read it. (applause) Not very rapidly, but I could read it.

"Now Jim Gashel, the mobility instructor. . . . That has been a little more hairy a venture. With all tribute to Jim Gashel, I actually preferred the Braille instruction. It was more peaceful and I knew where I was.

He has a favorite intersection. It's the corner of Pennsylvania Avenue and 12th Street in Washington. That intersection gives you everything. There's a construction site with jack hammers going. There's a chain link fence that throws you out into the street for quite a distance. There's a line of flower pots of uncertain meandering. There are roaring air conditioning units and the heavy, thundering bus traffic and all of Pennsylvania Avenue roaring. There's an island out there in the street with a very peculiar angle to it. Well we worked that out and I'm surviving still. (applause) Jim Gashel has a few useful sayings I like to keep in mind. One of them is, 'The only way to learn mobility is to get a cane, get up and go.' And another one is that if you want to get there, you will. . . . The ultimate proof of that message is that I am here now and I came alone for this meeting from Washington. (cheers and applause) . . . I'll be returning to the law faculty next August and going into the classroom in this new situation. But I think, because of their help and all the other experiences of the last two years, I'm ready to go back in in a way that I would not have been two years ago. I'm grateful for all of that."

### **Equal Employment Opportunities for the Blind in Federal Service**

This was the title of a presentation Friday morning by Jim Omvig, Handicapped Programs Coordinator, Office of Equal Opportunity, Social Security Administration, Baltimore, Maryland. Mr. Omvig said: "Beginning in 1969 the Social Security Administration started a program, a good one, an aggressive one, to try to give employment opportunities to blind persons. Special classes were set up to train blind persons to be telephone answerers to answer questions of the public. That program began in 1969 and continues. This training for the blind goes on in Florida and in Los Angeles. There were problems, however, as the program began. . . . It was set up like this. If

you are a sighted person and you go to training class to become a telephone answerer, you are a Social Security employee. You are paid during the time that you are in fact in class. If you are a blind person, you are sponsored by a rehabilitation agency and simply given travel and maintenance and whatever. The blind person begins to be paid when he or she first reports to an office to go to work. That situation was discussed by this organization in 1976. There is a 1976 resolution talking to the Social Security Administration about that problem.

"When Mr. Bynum was in New Orleans in 1977 another problem was raised. Yes, Social Security had hired many persons throughout those years. We now have something like 250 blind persons working around the country as telephone service representatives. That's fine. The problem, however, which was raised by this organization with Mr. Bynum was this: Blind persons working in those positions were locked in at the grade GS7 position. No promotional opportunities. The next logical step in the Social Security system is that you would be promoted to a claims representative. . . . It was believed that a blind person could not handle that function. Therefore, blind people could not be promoted to the GS9 or 10 levels, but were locked in at GS7. There is a 1977 resolution of this organization on that particular issue.

"Then things began to happen. Late last year we set up right here in Florida a pilot class. We took seven successful telephone service representatives and trained them as claims representatives, so that we could begin to create some promotional opportunities for the blind that the Federation had been calling for for several years. The class is now complete. Seven blind persons are now claims representatives. And that's all fine. But, for the sighted that position is a GS9/10, as we federal employees call it. You start at a 9. Then when you get to the point where you can review a file and actu-

ally make the determination as to whether someone is eligible or not eligible, you can be promoted to a grade 10 position. For the blind, it was decided that there would be a lock-in at grade 9, on the theory that blind persons could not review that final file, since we can't see, and could not, therefore, make the final judgment and determination and sign a claim that someone is eligible for benefits. . . .

"Now let me tell you of a series of events for your consideration. I began writing a lot of papers to a lot of people in Social Security about all of these issues. . . . I am also aware that in, I believe, April of this year, Dr. Jernigan, the president of this organization, had a luncheon meeting with Commissioner Ross and raised all of those issues with the Commissioner. I am also aware that Mr. Gashel met with Commissioner Ross and raised all of those issues. I am also aware that Mr. Gashel wrote a follow-up letter dealing with the issues that were raised at the meeting. I am also aware that a position paper was written then for the Commissioner dealing with issues raised by the National Federation of the Blind. I'm aware, because it was given to me to write. I believe that you would suspect the positions which I would take as I wrote the paper on the issues raised. I simply give you a series of facts. Now I give you this final set in the series of facts.

"Last Thursday, the day before I came down here, I got the paper back from the Commissioner which approved these things. Beginning with the next service representative class, blind persons will be employees of Social Security. (cheers and applause) Number 2. While the Atlanta Project here had been a pilot to train blind people as claims representatives, that will now become a national project. (cheers and applause) Number 3. Blind persons will not be locked in at grade 9, but will have the opportunity to promote to grade 10. (cheers and applause) The paper I have is 'Issues Raised by the National Federation

of the Blind.' The cover memo is short. It just says that the Commissioner approves the recommendations contained herein. . . .

"Let there be no mistake. Does that mean that every blind employee at GS7 is going to promote to grade 9 and 10? No. Not every sighted employee promotes to grade 9 and 10 either. It's going to depend upon qualifications. . . . I believe employment opportunities for the blind in the Social Security system have changed drastically this year and will continue to change throughout the years. There'll be more opportunity than ever in that agency."

Mr. Omvig also said that the plan for this year is that at least 7% of people newly hired by the Social Security Administration shall be handicapped.

### Equal Employment Opportunities for the Blind Under 504

This topic was presented by David Dawson, Equal Opportunity Program Specialist, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. Mr. Dawson said in part: "Section 504 has now spread throughout the federal system. . . . With the Rehab Act Amendments as of last year, now the federal government is responsible also for abiding by civil rights in federal government. We had previously not been obligated, interestingly enough, to respond to civil rights and nondiscrimination on the basis of handicap as we were expecting recipients of federal financial assistance to do. . . . Recipients are those folks . . . who get money through the Department of Health, Education and Welfare. Section 501 of Title V calls on the Civil Service Commission to have an affirmative action program for hiring and promoting the handicapped. That's been around for quite a while. But 504 now lends great emphasis to that whole program."

Mr. Dawson described work of the Federation that resulted in the opening up of

many jobs in the Office of Civil Rights to the handicapped, and many blind persons have been hired in these jobs. Mr. Dawson emphasized that it takes a lot of work to get jobs in the Federal Civil Service, but they are there.

"You need to know the system and be in the locality where you want to work, because you're going to have to grind it out on the streets."

Both Mr. Dawson and Mr. Omvig pointed out that the National Federation of the Blind helped them become what they are and then helped them get the positions they currently hold. They both said they felt some serious obligation to, in turn, do what they could for others through the organized blind movement.

#### Prohibiting Discrimination Against the Blind in Air Travel

This topic was presented Friday morning by Ralph Sanders and by Rueben Robertson, Director, Bureau of Consumer Protection, Civil Aeronautics Board, Washington, D.C. Mr. Sanders began: "In the federal court case in the D.C. circuit court, we're currently in a holding pattern which resulted from an interesting admission on the part of the Federal Aviation Administration. The Federal Aviation Administration had made a protest that canes weren't safe. Six months into the case, they came to the courts and asked for a ninety day delay so that they could perform the test that they had allegedly performed in basing their original ruling against the cane. Those tests are now completed and are being reviewed to determine their validity. As you are aware, both the FAA and CAB are now involved in looking at their rules.

"... Our battle remains clear, to maintain and protect our right to free access to travel on the commercial air system in this country, including the right to keep our canes at our seats and at any seat we choose to sit in. Any number of us that may decide to go and travel together and

by emergency exits, so that we have the right to escape first at least as much as anyone else. We have said to the airline 'Thank you, but no, we don't want to sit at the back of the plane.' "

Following Mr. Sanders, Mr. Robertson spoke: "... In the past blind persons, like other disabled people, have had to endure unnecessary and unfair obstacles in almost every aspect of life. Air transportation undoubtedly is no exception. Ignorance about the true nature of handicaps, paternalistic and misguided good intentions have combined to create a situation in which those disabled people who need assistance to function effectively have not been able to get it, while others who are very self-reliant have been treated as if they could not care for themselves. The efforts of the National Federation of the Blind and other organizations of the disabled have been a major factor in reducing unfair discrimination against disabled people. As a result of your vigorous advocacy, public understanding of the real capabilities and needs of disabled people has grown. But much remains to be done and it is important that you continue to push for change in government, in private industries and throughout society as a whole.

"The Civil Aeronautics Board is eager to contribute what we can to this process. Working to solve the problems faced by disabled travelers has become one of our high priorities."

Referring to the proposed regulations mentioned earlier by Mr. Gashel, Mr. Robertson said, "We will take as much time as necessary to redesign the rules in accordance with any important criticism and/or suggestions that we receive from the public.

"If you're familiar with the way things are done in the government, you know that the process is reactive. We respond to the pressures of many competing interests. We try to reconcile them. Usually not all of them can be fully satisfied. The interests that win out will be those that have pre-



sented their case most clearly and convincingly. The airlines, of course, will be well represented in this rule making proceedings, as well as numerous groups of the disabled, not all of whom share the same concerns or beliefs. So it is imperative that everyone with a stake in the outcome of the proceedings participate in it. We need to hear from you specifically and in detail about how the proposed regulations would really affect you, if they were adopted. . . . Will the proposed rules improve air travel for you? Will they make things worse? Will they hit or miss the most important issues? The CAB cannot independently be sure of the answers. . . ."

Mr. Robertson explained that the CAB is limited in its authority in regulating the airlines.

"The FAA also administers an airport assistance program and has issued regulations governing airports' compliance with Section 504. These regulations require that terminals be accessible, that jetways or boarding lifts be available when needed, that terminal information be available both visually and orally and that guide dogs be permitted to accompany their owners throughout the terminals." Mr. Robertson indicated that many airlines do not receive direct federal subsidies, as other modes of transportation do, so it is questionable how much Section 504 affects them. However, he said that Section 404 of the Federal Aviation Act is also a basis for nondiscrimination against the handicapped.

Mr. Robertson reminded the convention that there is going to be less and less control of airlines by the federal government.

"It may seem odd that the CAB is even considering the adoption of comprehensive regulations in a new unfamiliar area when the agency will soon cease to exist. But some of our authority, such as in the consumer protection area, will remain to be transferred to some other agency in 1985. Protection of the rights of handicapped travelers, we believe, is sufficiently pressing

and important that the Board would like to get an effective program started and in place now to be transferred to and if necessary improved on by another agency in the future. But the fact of deregulation does place limits on what the CAB will do in this area. . . .

"The job of drafting regulations has been made more difficult by the sheer variety of the types of problems involved. Not only will travelers with different disabilities need different amounts and types of special assistance, but people with the same type and degree of disability may desire different assistance. One blind traveler, for example, wrote to the CAB recently because he was unable to get an airline to preboard him as he preferred. But many other blind travelers would find preboarding inconvenient and positively offensive. Rules that are too specific in prescribing solutions run the risk of causing some other people problems, while ignoring or even exacerbating other people.

"The Board's proposals are based on two fundamental principles. First, all passengers should be given reasonable access to commercial air transportation. Second, regardless of any special programs, activities or procedures designed to meet the needs of handicapped people, these passengers should be given a reasonable opportunity to use the ordinary, unaltered services of the airlines.

"... It would require that any distinction made by an airline between disabled and other passengers be based on fact, rather than myth or surmise."

Mr. Robertson said that, "Demonstrable hazard to others is the guiding principle. Disabled passengers can determine what is reasonable for their own safety, as long as the safety of others is not affected."

Mr. Robertson outlined some of the provisions of the current proposed rules and enforcement means available. He also said that the CAB has asked the airlines to provide them with specific information as to

their procedures with regard to handicapped travelers.

### Advances in Print to Speech, Text to Speech, and Print to Braille

This was an informative item on the agenda on Friday. Ray Kurzweil described the desk-top Kurzweil reading print-to-speech machine. He also described the talking computer terminal and indicated that several features have been included in this machine after input from NFB members, thus delaying the distribution of this product.

He also announced that Kurzweil Computer Products is producing a means of converting print into Braille. He said that this process can be accomplished at a significant reduction in cost and time over other existing methods of producing Braille.

He concluded with this: "Working with the NFB is good business. And personally, it has been a very gratifying and fulfilling association. I am hopeful and confident that our friendship will grow and prosper over the next five years as it has over the past five."

### Jewish Braille Institute of America

Jerald Kass, Executive Director of the Jewish Braille Institute of America, spoke on the topic, "The Jewish Braille Institute of America and the Organized Blind Movement—What Lies Ahead." He said: "Should anyone question what a change of administration has had on the strength of the union between the NFB and the JBI, I say here at this convention to all present and all who will learn of these proceedings that the state of that union is now and will remain strong. It will grow because you, the organized blind and we, the Jewish community, are among history's great minorities. Each of us knows where we have come from and where we shall never return." He reviewed the history of the Jewish Braille Institute of America, formed by blind indi-

viduals in 1931 and sustained to a large measure by blind benefactors through the years of growth. Dr. Kass described the work of the Jewish Braille Institute particularly in the areas of library services and education. He said, "I pledge that they will continue to be built on a demand basis, with blind people determining what they wish to read and how they wish to read it. Our education programs will now become even stronger because of the new NFB *Resource Guide for Parents and Educators*. We will endorse its use and recommend it to the more than 2,500 Jewish religious schools across the country, when they seek information it contains.

"... The JBI now is vigorously building programs to meet the needs of the senior blind." He listed many services that JBI is now developing for older blind people and their families.

### Howard Brown Rickard Scholarship

Interest in the Howard Brown Rickard Scholarship is always keen. As has been the case for several years, Reverend Howard May, president of the NFB of Connecticut, was the chairman of the committee. The award was made at the banquet, and the recipient of the \$1,200 scholarship was Bruce Gardner of Utah. Bruce begins law school this year and has a promising future ahead of him.

President Jernigan put the convention in perspective with his concluding remarks. After a feverish pace, handling resolutions and reports Friday afternoon, he quieted the tumultuous crowd at 5:00 o'clock for a moment of silence in memory of our founder, Dr. tenBroek. The silence in the audience continued during President Jernigan's concluding statements:

"I think we have had perhaps the most turbulent, the most successful and the most momentous convention that this organiza-

tion has ever known. I think that this year we made decisions and took actions which will affect this organization forever after in its character and in its direction, and which will also affect the lives of the blind of this country. I do not know how long you will choose to have me lead this movement in the future or how long I will be able to do that. I do not know what the future holds any more than you do. But I do think this: We should go away from this convention dedicated, not only to the defense of this organization, for that we must do, but we should go away inspired and encouraged by what we have demonstrated about our-

selves. We have demonstrated that we have the strength to govern our own organization, to resist demagoguery, to finance our organization, to believe in our future and to put our money where our mouths are. We also demonstrated that we are the people's movement we've always been, turbulent, enthusiastic, deliberative, and the other things. I pledge to you that, to the best of my ability and strength and knowledge, in the coming year I will lead this organization as strongly as I know how to lead it, and I will see you all in Minneapolis. Florida, it's been a wonderful convention! We're adjourned."

### CONNIE McCRAW SPEAKS

One of the most moving moments of the convention came during the banquet when Connie McCraw, widow of the late John McCraw, rose to speak. No member of our movement has ever been more loved or respected than John; and his deep voice, his buoyant enthusiasm, his common sense, and his compassion and sincerity were sorely missed at this year's convention. Connie is also loved and respected, so her remarks carried special emphasis and meaning. She said:

"My Fellow Federationists, this is my first opportunity to meet and greet you collectively since John, your friend and mine, left us last September.

"As you all will agree, John's passing left

a void in our working lives, and in our hearts and minds that will be hard to fill. I don't mean to presume that no one can do the things he did, but I do say that he was unique in his approach to life in general and his job in particular.

"You all, and I do mean all, were so kind and helpful when I needed you, so thoughtful and sincere in that dark hour, so charitable in sharing my grief and sorrow.

"Please believe me when I say thank you, for your outpouring of love and friendship, your many, many gifts and for letting me continue to be one of you.

"For John, for myself, for our two beautiful sons, Vince, who is here by my side, and Frank, who left this morning for Fort Bliss, Texas, his first stay in the Army, thank you."



## BLINDNESS: THAT'S HOW IT IS AT THE TOP OF THE STAIRS

AN ADDRESS DELIVERED BY

KENNETH JERNIGAN

PRESIDENT, NATIONAL FEDERATION OF THE BLIND  
AT THE BANQUET OF THE ANNUAL CONVENTION

*Miami Beach, July 5, 1979*

The noted British historian Arnold Toynbee has a sweeping theory of human development called "The Cycle of Challenge and Response." According to this theory every civilization faces a constant succession of challenges and confrontations, and its viability and soundness can be measured by the vigor and nature of the response. It may meet the challenge head on, emerging stronger and healthier for the encounter; it may react defensively, desperately, leaving the struggle exhausted; or it may, at the first sign of threat, simply lie down and die. As it is with civilizations, so it may be with movements. For that matter, so it may be with individuals. Our vitality, our spirit, and our very capacity for survival can likely be measured not only by the vigor of our response to challenge and confrontation but also by the pattern and the nature of that response.

When the National Federation of the Blind came into being in 1940, there were certainly both challenge and confrontation; but neither the professionals in the field nor the public-at-large understood the full implications of the challenge or anticipated the ultimate fury of the coming confrontation. 1940 was another time and a different climate. Barely a scattering had the faith to believe and the courage to hope. They were the founders of the National Federation of the Blind. Those original Federationists were not the powerful force of concerted

action which we know today, not the united voice of the nation's blind. All of that was still a generation ahead, in the promise of the future and the fullness of the years.

It is only when we look back that we realize how far we have come. In 1940 the blind were universally regarded as inferiors, and there was a general feeling that it was inappropriate for them to organize and take a hand in their own affairs. It was an atmosphere which broke the spirit and quenched the hope and killed the dream. But the resistance to the notion that the blind should organize (the challenges and the confrontations) did not, for the most part, come from hatred or viciousness or a wish to hurt. It came, instead, from pity, misunderstanding, misplaced kindness, or (at worst) apathy and a desire to maintain the status quo.

That was 1940. This is 1979. What has happened to us in the intervening years? What challenges and confrontations do we face today? How do these challenges and confrontations differ from those of 1940? In short, as a movement and a people, where are we—and where are we going?

In broad outline the story of the past four decades is easy to read and quickly told. At first the Federation was small and largely ignored. It had few members and

little influence. The governmental and private agencies tried to treat it as if it were not unique at all but simply another provider of services (one among many), a miniature duplicate of what already was—in other words, a newcomer but one of themselves. The public (to the extent that the public knew about the Federation at all) took its lead from the professionals.

But the blind knew otherwise. They knew of the need which only the Federation could fill. They knew it in the yearning for freedom, in the lack of opportunity, in the rejection by society, and in the exclusion from the rights and privileges of full participation and equal status. They knew that the Federation was theirs. For whatever successes it might achieve or whatever failures it might make, it was theirs. Its primary purpose was not to provide services but to monitor and hold to account those who did provide services. And there were other purposes: to change social attitudes, fight discrimination, eliminate prejudice, create self-awareness, instill hope, touch the conscience, and (above all) establish a means by which the blind could discuss common problems, reach decisions, and make their voices heard. The Federation was unique. It was (and is) the collective voice of the nation's blind—the blind thinking for themselves, speaking for themselves, and acting for themselves.

Our battle for freedom and recognition parallels to a striking degree that experienced by the blacks, for we are (in every modern sense of that term) a minority. We have our ghettos, our unemployment, our underemployment, and our Uncle Toms. We have our establishment (composed of society as a whole and, particularly, of many of the professionals in the governmental and private agencies). That estab-

lishment condescendingly loves us if we stay in our places, and bitterly resents us if we strive for equality. Above all (through our own organization, the National Federation of the Blind) we have discovered our collective conscience and found our true identity. We have learned that it is not our blindness which has put us down and kept us out, but what we and others have *thought* about our blindness. Yet, they tell us that there is no discrimination and that we are not a minority. We want no strife or confrontation, but we will do what we have to do. We are simply no longer willing to be second-class citizens. We have said it before, and we say it again: We know who we are, and we will never go back!

No group ever goes from second-class status to first-class citizenship without passing through a period of hostility. Several years ago I made the statement that we had not even come far enough up the stairway of independence for anybody to hate us. I believe I can safely say that that problem has now been solved. We have enemies enough to satisfy even the most militant among us. We have actually progressed to the point of creating a backlash.

However, we must see the situation in perspective. The hostility and backlash which we are experiencing are not due to mistakes on our part or to radical behavior or to over aggressiveness or to any of the other trumped-up charges which have been made against us. Just as with the black civil rights movement and Martin Luther King, the hostile reactions and backlash are an inevitable step on the stairs which lead from the depths of rejection and custody to the upper level of freedom and first-class status. The bottom steps of that stairway are often paved with condescension and pity;

the middle steps are sometimes paved with goodwill and the beginnings of acceptance; but the top steps are always paved with resentment and fear. We have come a long way up. We are approaching the top of the stairs, and we are experiencing our full measure of fear and resentment.

The fear and resentment come from those who have a vested interest in keeping us down: the sheltered shops, with their subminimum wages, which were the subject of the recent *Wall Street Journal* articles;<sup>1</sup> the New York agencies, which we have helped expose through damning audits; the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC), which we oppose for its phony standards, its meaningless accreditation, its lust to manage our lives, and its desperate effort to gain public support and respectability; the Cleveland Society for the Blind, which we have taken to court because of its wrongful seizure of the earnings of blind food service operators and its attempt to control the smallest details of their daily existence; the American Foundation for the Blind, which we call to task for its drippy publicity and pseudo-professionalism; the insurance companies, which (by court action and administrative regulation) we seek to prevent from charging us extra rates and denying us coverage; the airlines, against whom we demonstrate for trying to tell us where we can sit, that we cannot keep our canes during flight, that we must travel with an attendant, and sometimes that we cannot even board the plane at all; and all of those other public officials and private individuals who have an economic interest in keeping us from achieving independence or who boost their egos and show their insecurity by the need to feel superior, to custodialize, to condescend, and to treat us as wards.

Whether we finish the climb up the stairway to freedom and social acceptance (leaving behind the hostility and backlash) will be determined not by the actions of others but by our own behavior. This is our challenge and our confrontation. It is also the strongest possible proof of how far we have come. For the first time in history, the choice is ours. As other minorities have discovered, the final steps are the hardest.

There are several reasons why this is so: For one thing, the degradations and deprivations at the bottom of the stairs are (once they are pointed out and clearly delineated) so obvious and unjust that they are easily understood; and large groups of the general public can be touched in their conscience and enlisted to help, still keeping intact their sense of superior worth and special status. The minority is a long way down and poses no apparent threat, even by climbing a few steps up. At the top of the stairs things are different. The discrimination is more complex and subtle, the prejudice less obvious, the threat to vested interest more real, and the violations of tradition more imminent.

There is also the fact that the members of the minority group are part of the larger society. They tend to see themselves as others see them. They tend to accept the false views of their limitations and, thus, do much to make those limitations a reality.

I can offer a personal example. On February 11, 1979, an article written by R. H. Gardner appeared in the *Baltimore Sun*. It was headlined: "'Ice Castles' a little hard to swallow," and this is what it said:

Several years ago, I was at a party when a friend, for reasons I cannot recall, bet me I could not stand on one foot 15 seconds with

my eyes closed. I had been quite an athlete in my youth (10 years old), during which period I could stand on practically any part of my anatomy—head, hands, ears or toes—for an indefinite length of time.

I accepted the bet.

To my astonishment, at the count of five I began to waver. At seven, the waver turned into a stagger; and at ten I was lost. It was a great shock for a former athlete (even a 10-year-old one), and I have never forgotten it.

For something happens to your balance when you close your eyes. And how much worse it must be if you're blind!

Being blind, a scientist-friend once pointed out to me, cannot be compared to closing your eyes. When you close your eyes, you still see. You see the undersides of the lids with the light behind them.

But what you see when you're blind is what you see out of the back of your head. There's neither light nor sight of any kind.

I was reminded of all this while watching 'Ice Castles,' a film about a blind figure-skater. . . . I'm told there *is* a blind figure-skater upon whose career the film is loosely based. But it's hard to believe, in view of my experience trying to stand on one leg. . .

When I read that article I pooh-poohed it and laughed it to scorn. So did one of my sighted associates. Then, just to show how silly it was, she closed her eyes and stood on one foot. But the laughter stopped, for she wobbled and fell. Then, she opened her eyes and tried it again. There was no problem. She kept her balance without difficulty.

"Nonsense!" I said. "Let me show you"—whereupon, I stood on one foot—

and immediately lost my balance. That was three months ago. Was I shaken? I certainly was.

Then, I began doing some thinking. We know that the tests which are made by blindfolding sighted people to determine what the blind can do are totally invalid. I have been among the most vocal in pointing that out. I knew (or, at least I thought I knew) that balance is a matter of the inner ear, not the eye. Why, then, did my associate fall when her eyes were closed but keep her balance when they were open? Perhaps the fact that she was accustomed to seeing things around her as part of her daily life made the difference, or perhaps (even though she is well versed in our philosophy) the matter went deeper. Perhaps (reacting to social conditioning) she subconsciously expected to fall and was tense. I suggested that she practice a few times with her eyes closed. And what do you know? It worked. In four or five times she could stand on one foot as easily with her eyes closed as open.

But what about me? I have never had any problem with balance. So I tried it again—and I could do it with perfect ease. If anybody doubts it, I will be glad to demonstrate. Then why did I fall the first time? I reluctantly conclude that (despite all of my philosophy and knowledge to the contrary, despite all of my experience with this very sort of situation dressed out in other forms) I fell into the trap of social conditioning. I hope I won't do it again, but I can't be sure. There is probably not a blind person alive in the world today who has not, at one time or another, sold himself or herself short and accepted the public misconceptions, usually without ever knowing it. Prejudice is subtle, and tradition runs deep. That's how it is at the top of the stairs.



Which brings me back to Mr. Gardner and his newspaper article. He was not trying to hurt us, but just make a living. Nevertheless, based on his single false experience as a simulated blind man, he makes sweeping generalizations about our lacks and losses. Do you think he would believe we are capable of equality—that we can travel alone, get off an airplane in time of emergency, or compete with others for a regular job—that we deserve insurance at the same rate as the sighted—that we are capable of full and normal lives? Of course not. And his opinions count. He is a member of the press, a molder of thought. And how do you think he will react if one of us brings all of this to his attention?

Probably with defensiveness and resentment—probably as part of the backlash. Perhaps he will even help stimulate unfavorable publicity against us, not realizing or admitting why he is doing it—or even, for that matter, that he *is* doing it. But we have no choice. The alternative is to slide back toward the bottom of the stairs. We will say it as gently and as courteously as we can—but we will say it. We want no strife or confrontation, but we are simply no longer willing to be second-class citizens. We will do what we have to do. We intend to take the final step on the stairs.

You will remember that Ralph Sanders in his banquet speech<sup>2</sup> last year quoted as follows from a gimmicky ad by a company employing blind persons to smell its perfumes: “Why,” the ad asks, “do people close their eyes when they kiss? Because by cutting off one sense, they heighten the other four. They are completely immersed in the taste, smell, sound, and touch of the kiss.”

Blind people have the “most highly attuned sense of smell possessed by man.”

What an ad! Such beliefs are widely held, but even a moment's reflection will demonstrate their absolute insanity. If a kiss is really made better by closing the eyes, think what a charge you could get if you put corks in your nose and plugs in your ears. The taste would go all the way to your toes, and the touch would drive you right up the wall. I would not expect the perfume company to appreciate our objection to its ad, but that will not keep us from objecting. That's how it is at the top of the stairs.

Sometimes the public misconceptions about blindness are used as a shield to avoid responsibility or hide from punishment. Consider, for instance, an article which appeared in the March 8, 1979 *Minneapolis Star*. It reads:

Jerome M. Bach, Minneapolis psychiatrist and a founder of the Bach Institute, a psychotherapy center, has been placed on probation by the Minnesota Board of Medical Examiners for engaging in sexual activities with four of his female patients. . . .

The board's ruling reversed the finding of a state hearing examiner, Howard L. Kaibel, Jr. Kaibel recommended no action be taken against the doctor. . . .

Bach, who suffers from tunnel vision from a degenerative condition of the retina, is legally blind. Because of this, Kaibel said, Bach ‘depends on physical contact as an additional means of communication and of obtaining information about his patients’. . . .

Bach had become widely known among patients and other therapists for an unusual ability to diagnose emotional problems and for his use of physical contact in therapy.

According to Kaibel's findings, Bach's use of ‘physical psychotherapeutic intervention. . . (is) widely known, accepted by literally hun-

dreds of his colleagues and even coveted by some who . . . are unable to utilize them as effectively.'

That is what the article says—and the mind is boggled at the madness. Did Dr. Kaibel really mean it? Dr. Bach had never identified with the blind before, and so far as anybody knows, he has never done so since; but when the heat was on, he tried to hide behind the stereotypes. For once, we did not speak out alone. The medical profession, the women's movement, and others joined with us. We did what we could to make something positive out of the situation—attempting to educate the public and show unaligned blind persons why they should join us. Constant vigil, battle, hostility, and backlash—but also growing efforts to inform the public, achieve concerted action, and heighten self-awareness. That's how it is at the top of the stairs.

Blind vendors and food service operators constitute one of the largest groups of the employed blind. They work for their money and earn what they get, but some of them fail to recognize their common bond with the rest of us, their need for the organized blind movement. Those who have such attitudes should read a novel<sup>3</sup> about the CIA published in 1978. It is called *Ballet*, and it is written by Tom Murphy. Although it speaks directly to blind vendors, it speaks just as falsely and just as insultingly to all of the rest of us. The following passage occurs on page 51 and introduces chapter three:

Dave Loughlin had the rough bulk of a long-shoreman and the ambling shuffle of a geriatric bear. Dave was thirty pounds heavier and more than thirty years older than he'd been in the Army OSS days, the last happy time he could remember. And now, as Dave made his way down the long green-

asphalt-tiled corridor that always reminded him of a hospital, of death, he felt every minute of those years, and every extra ounce weighing on him like an unserved sentence. And he felt the effects of last night's boozing, which didn't help any either. He passed the blind lunch counter and shuddered, even though he'd known it would be there, creepy as ever, even if it was the Old Man's idea, even if it did make some kind of perverted sense.

Where else in the world would you have blind men and women cheerfully handing out wrapped sandwiches and cartons of coffee so bad it could have been made only by the blind? Where else but in the ever-vigilant atmosphere of CIA headquarters out in dear old Langley, Virginia?

That book is circulating by the tens of thousands throughout the nation. It approaches genius in its ability to malign and misstate. It manages to lump almost all of the stereotypes into a couple of sentences. The blind are cheerful. We are creepy. It's perverted to have us about. We can't make sandwiches but must get them prewrapped. We can't even make a decent cup of coffee. Here is no kindness (or even condescending pity)—only meanness and contemptuous dismissal. Each one of us (vendor and non-vendor alike) should think carefully about this book and the others like it which blight our opportunities and poison the public mind. We have no choice. The alternative is to slide back toward the bottom of the stairs. We will say it as gently and as courteously as we can—but we will say it. We intend to take the final step on the stairs, and we must take it together. We know who we are, and we will never go back!

The meanness of the Murphy novel is by no means universal, but it is certainly a sign of the times—an evidence of backlash and

a proof that we are close to the top of the stairs. Southwest Airlines, which proudly proclaims that it spreads "love around Texas," recently initiated a policy of refusing to transport the blind or the mentally retarded unless they are accompanied by an attendant; and a Southwest official a few months ago wrote the following bit of disgusting gibberish to our Texas President, Glenn Crosby: "In regard to your question about canes being taken away from passengers, this is a security measure. Obviously, we have no way of knowing what a passenger will do with such an object; therefore, as a precaution, all such articles are taken away during flight."

Not much love in that, is there? Nor are the Southwest officials likely to feel any kindness toward the Federation—especially since we are picketing their counters and exposing their behavior to the public. Backlash, yes. But also (hopefully) breakthroughs to reason and public understanding. That's how it is at the top of the stairs, and (regardless of the cost) we intend to take those final steps.

In Iowa (where the progress has probably been greatest and the backlash strongest) not only have we suffered sustained, vicious, unfounded, and unscrupulous attacks from the Des Moines newspaper; but we are also engaged in a battle in the courts. As the blind of the nation know, Herbert Anderson (Iowa's enlightened Insurance Commissioner) ruled a couple of years ago that insurance companies could not discriminate against the blind in rates or coverage. As could have been predicted, the insurance companies (even those which had always claimed that they were, as they put it, most "sympathetic to the blind") suddenly turned hostile. When one of them (Federal Kemper) was fined a thousand

dollars and ordered to mend its ways, it decided that the blind were ungrateful and unreasonable and took the matter to court.

On March 23, 1979, Judge Theodore Miller, who will not be remembered as one of the more enlightened spirits of the age, stated as follows in his "Findings of Fact":

9. The Court takes *judicial* notice of the fact that the blind have only four of the five senses, consisting of sight, hearing, taste, smell and touch. Common knowledge provides that one with less than all the common senses operates at a disadvantage and is more susceptible to be unable to function as an able-bodied person than one with all his senses. Federal statutes recognize by implication the disabilities which blind people suffer and have provided tax exemptions for them.

When you sort out the garbled language, the Judge is clearly saying that no proof is necessary—that the blind can't "cut it" on terms of equality with others. It is a matter of "common knowledge." In number 17 of his "conclusions" Judge Miller takes the astounding position that if blind persons are denied insurance, no discrimination has occurred since they have all been denied to the same degree and, therefore, have received equal treatment. Not much love in that—and not much intelligence either. But that's how it is when you deal with vested interest, threats to tradition, and backlash. Commissioner Anderson and we are appealing this case to the Iowa Supreme Court. Whatever the cost or the backlash, we intend to take those final steps. That's how it is at the top of the stairs.

Today I have said very little about the professionals in the field of work with the blind, but the picture would not be complete without their inclusion. Increasing numbers of them are working with us and



taking joy in our progress. But there are others: NAC,<sup>4</sup> the American Foundation for the Blind, and their allies have tremendous wealth and broad contacts. They could do much, if they chose, to hasten the day of the liberation of the blind, but they seem to feel that they have a vested interest in our continued dependence and subjugation. Perhaps Louis Rives (blind himself and the President of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped) has summed up the philosophy of inferiority and defeatism as well as it has ever been put. It is certainly the opposite of everything we believe and have experienced. Last year at the NAC meeting he said that there are only two ways of making the blind and the sighted equal: either the blind can regain their sight, or the sighted can have their eyes plucked out. With such "professionals" in the field is it any wonder that the public is not yet informed? But (with or without the NAC professionals) we will take the final steps. We will reach the top of the stairs.

As President of the Federation I receive many letters. Some are encouraging; others heartrending. But I think I have never received a more expressive and revealing letter than the one I am about to share with you. It was written by Edgar Sammons, who lives in Mountain City, Tennessee, and speaks with the language and the clarity of Elizabethan prose. I have never met Edgar Sammons, but I have thought long about his letter and have come to feel a deep affection and a high respect for him. He is not a complainer, not a whiner—but he has known custody, terrible loneliness, blighted hope, and real deprivation. Yet, he has made a life for himself. His letter is as significant for what it does not say as for what it says. I have his permission to use it. Otherwise, I would not do it. Here it is:

I thought I would try to give you a little history of my life. I was born October 30, 1913. They said I lost my sight at three weeks old. I grew just like the rest of them. I think a blind person should be brought up just like a sighted person but most of them are not. Most of them would learn a lot more if they would let them. We just had an old box house and a little land. Not enough to make a living on. My father always rented corn ground for half of it. My mother put up a lot of stuff, and we always had plenty to eat.

My father worked on the first highway that come through here. They blacktopped it in 1924. [I interrupt the letter to point out that he is now eleven years old, and this is the first thing that has happened to him that he feels worth noting. But let me continue]:

My father rented a little farm, and we moved to it. It was not very far from here. We lived there a year and moved back.

My mother always wanted to send me to school, but my father never would give up for it. My grandmother and my mother and little baby sister all died in 1924. There were five of us children left. Some people wanted to put us in a home. We had a hard time, but we made out. If the family could have had their way I don't guess I would have been allowed to get off of the place without some of them with me. They couldn't watch me all of the time.

My grandmother Sammons was still living and they would send me down there when they would go to work in the corn. That suited me just fine. My grandmother would be doing her housework, and I would go down the road about half a mile to my aunt's and stay a while. Sometimes some of them would find it out and tell on me, but I didn't care what they done about it. I would run off every chance I got. There was just mud roads, but I got along. They would take me places with them at night. They went a lot of places at that that I would have like to have

went, but they left me at my grandmothers. I think the blind should be allowed to get out and learn to get around just like the sighted when they are growing up. A lot of us don't have that chance. My brother and father went to work in a cotton mill at Johnson City, and we moved down there in 1927. [He was born in 1913, so he is now fourteen years old.] The mill closed down in 1928, and we moved back. [Now, he's fifteen.] In 1933 [He's now twenty.] all of the children got off over at Ashville, North Carolina, and got jobs. [You notice that *he* didn't get a job.] My father married again in 1933. I stayed at home most of the time. After that my job in the summertime was pasturing the cows in the road. I had bells on them so I could tell where they was at. I set on the banks with the cows, wondering how I could get a little money to get me some tobacco. I was a young man then.

The welfare started in 1937. [He's now twenty-four.] I got a little. A lot of the blind didn't get any. There wasn't very much work for the blind then. I would go to Ashville and stay a while and come back here and stay a while.

In 1944 [He's now thirty-one.] I went to Ashville and got me a job sorting mica. [Remember: This is his first job. It was the Second World War, and manpower was scarce. But back to his letter:] They said we could do that job better than the sighted people. I just got to work nine weeks, and our part of the job closed down. I stayed a while longer over there to see if it would start back up, but it never did.

That was a good job, but in one way I didn't like it. I stayed with my sister and her husband. They was as good to me as they could be, but they wanted me with them all the time. They would come after me at night and take me to work in the morning. I didn't want that. I wanted out on my own like other people. I wanted to get out and get me a girl just like other people.

Well, I come back home and stayed around here most of the time. My stepmother died in 1951. [Now, he's thirty-eight.] Grady Weaver started teaching me to read and write Braille in 1951. I can't spell very good, but that helped some. I stayed at home with my father until 1957. [His life is passing. He's now forty-four.] My father got so bad sick that they had to put him in a rest home, and I went to Morristown and got me a job in the sheltered workshop.

Mattie Ruth was working there at that time. She told someone, 'the Sammons has come; the bass will be here next.' Sure enough in a few days a man did come by the name of Bass. Just a little while after I went to work, Mattie Ruth got sick and went home. She like to have died. She didn't come back any more for about three years. She worked for a while, and her father got sick and she went home to take care of him. He died in 1962. [Now, he's forty-nine.]

After that, I went up and got Mattie Ruth. Her mother said she ought to have run me off the first time I ever come up there. She said I took the last girl she had.

I was forty-three years old before I got out on my own, but it has been the best part of my life. If I had stayed with my people, I don't guess I would have been living by now. I didn't have anything to live for.

That is the letter. It requires no comment, and it tells us what we have to do. In a very real sense Edgar Sammons speaks for us all. The imprisonment and lack of opportunity were just as cruel as if they had been deliberately imposed. They were just as degrading, just as blighting, and just as painful.

We must see that it never happens again. That is why we have to strengthen the Federation, why we have to speak out, and why we have to disregard the hostility and backlash.

Our climb up the stairs to freedom has been slow and difficult, but we are nearing the top. We carry with us a trust—for Dr. tenBroek, for Edgar Sammons, and for all of the others who went before us. We also carry a trust for those who will follow—for the blind of the decades ahead. Yesterday and tomorrow meet in this present time, and we are the ones who have the responsibility. Our final climb up the stairs will not be easy, but we must make it. The stakes are too high and the alternatives too terrible to allow it to be otherwise. If we fail to meet the challenge or dishonor our trust, we will fall far down the stairs, and the journey back up will be long and painful—probably as much as another generation.

But, of course, we will not fail. We will continue to climb. Our heritage demands it; our faith confirms it; our humanity requires it. Whatever the sacrifice, we will make it. Whatever the price, we will pay it. Seen from this perspective, the hostility and backlash (the challenges and confrontations) are hardly worth noticing. They are only an irritant.

My brothers and my sisters, the future is ours. Come! Join me on the stairs, and we will finish the journey.

## FOOTNOTES

1. Jonathan Kwitny and Jerry Landauer, "Sheltered Shops Pay of the Blind Often Trails Minimum Wage At Charity Workrooms," *The Wall Street Journal*, January 24, 1979, pp. 1 and 35 and "Sheltered Shops How a Blind Worker Gets \$1.85 an Hour After 20 Years on Job," *The Wall Street Journal*, January 25, 1979, pp. 1 and 31.
2. Ralph Sanders, "The Continuing Challenge of Change," *Braille Monitor*, October 1978.
3. Tom Murphy, *Ballet! (A Signet Book*, New American Library, 1978), page 51.
4. National Accreditation Council for Agencies Serving the Blind and Visually Handicapped. NAC was the successor to and was appointed by the Commission on Standards and Accreditation. COMSTAC, in turn, was appointed by the American Foundation for the Blind, which has always provided more than one-half the budget—first for COMSTAC and now for NAC. In other words the so-called objective "Accreditation Council" is owned by the American Foundation for the Blind.

## DEMOCRACY IN THE FEDERATION: THE CALIFORNIA-WASHINGTON SITUATION

by KENNETH JERNIGAN

As Federationists know, we have had problems during the past year with former members of the Federation in both California and Washington. Even though the National Board of Directors met in California September 16, 1978, and gave a full hearing to the dissident group, that group was not willing to abide by the decision.

A lengthy court battle has been going on in California ever since. It is both wasteful and futile, for the actions of Robert Acosta (the former president of the affiliate) have been such that the blind of the nation will surely not vote to readmit him to membership.

There are many reasons, but one example will suffice. In his own sworn statement of October 1, 1978 he said concerning a clock which had been purchased under unusual circumstances: "The clock is my personal clock. I paid for it with a check drawn on the West Valley Chapter of the National Federation of the Blind of California, with the prior consent and knowledge of the West Valley Chapter president. Before doing so, I had deposited my personal funds with the West Valley Chapter in the sum of \$135 to cover this item. Having retained a public accountant on behalf of the NFBC, as its president, I now understand that officers of private organizations should avoid comingling of personal and private funds, but I was not aware of that fact at the time of the event in question, well over a year ago. In fact, however, I had always deposited funds in that account, or expended chapter expenses from my own accounts, well in excess of anything reimbursed to me. There has not been any such expenditure from NFBC accounts." Likewise, the actions of Sue Ammeter (the

former president of the Washington affiliate) are of such a nature as to make it unlikely that she will soon be readmitted to membership. The details of the situation have been clearly documented in Board resolutions and public discussions. The tapes of the September Board meeting are available to members of the organization, as are the resolutions and correspondence concerning Sue Ammeter.

Both Acosta and Ammeter have been circulating disruptive and defamatory material about the Federation and its leaders throughout the country for the past year. Apparently they were trying to provoke within the movement a civil war of the type we had in the late 1950's.

It was against this background that we came to the Miami Beach convention. From the outset it was clear that the Acosta-Ammeter group had failed completely. They sparked no civil war—and will not. The mood of the delegates was not so much one of anger as of finishing an unpleasant task and getting on to the serious business of the convention. Of course, as can be easily understood, the Acosta-Ammeter people were too emotionally involved to allow themselves to see it that way.

On July 11, 1979, I summed up what happened at the convention in a letter to Steve Howard, our California attorney. My letter said in part:

"Dear Mr. Howard:

"As you know, notices (copies attached) dated May 29, 1979, were sent to Mr. Acosta and Mrs. Ammeter concerning proposed action with respect to California and Washington to be consid-



ered by the Convention of the National Federation of the Blind in Miami Beach, Florida Sunday, July 1, 1979, through Friday, July 6, 1979. By longstanding tradition, resolutions may come to the floor of the National Convention either through the Resolutions Committee or through the Board of Directors. Resolutions which are to be presented to the Convention through the Board of Directors are customarily presented at the meeting of the Board Monday morning (this year Monday, July 2). Over a thousand members and delegates (the bulk of the people attending the convention) always attend the Monday morning Board meeting. This year was no exception. It is common knowledge that the Board meeting will occur on Monday morning, that most of the people attending the Convention will come to it, that resolutions or constitutional amendments or other matters of importance which the Board knows about and believes will (or should) come before the Convention for action will be publicly disclosed at that time, and that all of this has been the tradition in the Federation for so long that probably nobody remembers when it was any other way. Both Mrs. Ammeter and Mr. Acosta have attended such Board meetings at past Conventions, have participated in the process, and have shown by their actions and behavior that they approve of it and consider it proper.

"Complete tape recordings of this year's Monday morning Board meeting and of all other convention sessions are available. At the Monday morning meeting the resolution (copy attached) concerning California and Washington was read, and notice was given that it would be discussed and voted on Tuesday afternoon. First Vice-President Donald Capps said that he wished to have a motion (copy attached) read and that he was giving notice that it would be

presented for action Tuesday afternoon. You will observe that the motion has nothing to do with the previous action taken by the Board concerning Washington and California. It follows the constitutional provision that an affiliate may be expelled by the Convention provided an announcement has been made on the previous day that such action will be taken. Two constitutional amendments (copies attached) were also read, and notice was given that they would be dealt with Tuesday afternoon. It was stated that (regardless of how few might be on the opposing side) equal time would be given to both sides during the discussion on Tuesday. It was stated that disorderly conduct would not be tolerated and that respectful attention would be given to those speaking. The President also gave notice that, in view of the constant legal maneuvers and technicalities we seem to face, the motion would be read again on Tuesday morning and would be voted on again Wednesday morning, even though it would already have been voted on at the Tuesday afternoon session. It was agreed that no delegation from California or Washington would be seated until after action had been taken on both the resolution and the motion and that California and Washington would not vote on these matters.

"Tuesday morning at the general business session notice was given that the motion to expel Bob Acosta and the organization he calls the National Federation of the Blind of California, and Sue Ammeter and the organization she calls the National Federation of the Blind of Washington would be voted on at the Wednesday morning session. Also, at the Tuesday morning session there was a roll call of the states (California and Washington not voting) as to how much time would be allowed for discussion by each side. It was agreed that discussion con-

cerning the resolution and motion would be limited to 30 minutes to each side. The vote was 2 states for 15 minutes, 45 states for 30 minutes, and 2 states for 45 minutes. Of course, California and Washington did not vote. This accounts for all 50 states and the District of Columbia (51 potential votes). It was agreed that each side would be allowed 15 minutes to discuss the constitutional amendments. 4 states voted for 5 minutes; 35 states voted for 15 minutes; 9 states voted for 30 minutes; and 1 state voted for 45 minutes—49 states voting, California and Washington not voting.

"At the Tuesday afternoon session the resolution and motion were read without comment. Then, each side was given an initial period of 20 minutes to present its views. After this, each side was given 10 minutes for further presentation. The Acosta-Ammeter forces were allowed to speak last. They were allowed to select the person who would manage the allocation of time among the speakers for their side. Mrs. Ammeter and Allen Jenkins (a person from California) came to the platform and spoke from the microphones there. The tapes will show that they were heard courteously and without interruption. The tapes will also show that their views were overwhelmingly and decisively rejected. The vote was as follows: 47 states in favor of the resolution, Delaware and Hawaii opposed, and California and Washington not voting. 46 states in favor of the motion; Delaware, Hawaii, and West Virginia opposed; and California and Washington not voting.

"At this stage it was unanimously voted to seat the Washington delegation headed by Scott Lewis and the California delegation headed by Sharon Gold. The motion was properly made and seconded. The constitutional amendments were next read and discussed. Voting for

the constitutional amendments (California and Washington were now allowed to vote) were 49 states; voting against them were Delaware and Hawaii.

"At the Wednesday morning session votes were taken on the motion and the constitutional amendments. The votes were as follows: for the motion 46 states; opposed to the motion West Virginia, Delaware, and Hawaii (California and Washington not voting). For the amendments 47 states; opposed to the amendments Delaware and Hawaii (California and Washington not voting).

"A number of the Acosta and Ammeter people came to Miami Beach late in the week before the convention started. They had every opportunity to mingle with the delegates and persuade. For the most part they did not stay at the convention hotels but chose to stay at another hotel, which did not have the low convention rates. If they used charitably contributed funds to pay any of their travel expenses, it can reasonably be assumed that they wasted those funds needlessly by not registering at the convention and taking advantage of the low hotel rates. Further, their behavior raises the question as to whether they were making a 'good faith' effort to participate in the democratic process of settling the California-Washington matter or whether they were simply following a formal procedure to try to permit further maneuvers in the court and further wasting of charitably contributed funds.

"The recordings of the convention will show, as will the record leading up to the convention, that these people received fair treatment. They seem to wish to harass and destroy our organization since they cannot control it. The blind were present in their thousands from throughout the nation, and they made their will unmistakably clear."

"Mr. Kenneth Jernigan

"May 10, 1979

"Dear Mr. Jernigan

"Please consider this letter our formal request for expense authorization forms for the National convention to be held in Miami.

"Two forms will be required—I for the duly elected delegate of the National Federation of the Blind of Washington; I for myself as member of the Board of Directors

"Very truly yours,

"Sue Ammeter, President"

"Mrs. Sue Ammeter

"May 29, 1979

"Mrs. Ammeter:

"Life is hard. Reference is made to your letter of May 10, 1979. Who is 'our'?"

"As you know, you are no longer a member of the Board of Directors of the National Federation of the Blind, having been suspended from that position by vote of the Board. Are we, therefore, to assume that your 'straight' letter requesting reimbursement was meant to be cute? If so, as the warden said to the prisoner about to go to the electric chair, more power to you.

"As you also know, the organization which you purport to represent, is no longer entitled to use the name 'National Federation of the Blind of Washington.' You, it, they, them, etcetera were legally expelled from the Federation months ago. If you are trying to build a record, it won't work. Of course, you know this; therefore, I can only assume that you are either trying to disrupt or to write for the record. In either case it won't wash. We are a movement *of* the blind, dedicated to working *for* the blind, and you cannot disrupt or destroy

our movement. I realize that you have sold out, and I feel sorry for you. I do not blame you. All of us who are independent blind people wish you well and understand your situation.

"Kenneth Jernigan, President

"P.S. While we are writing for the record, let me be sure that the documentation is clearly built on one point: If you come to the Convention, I am sure that the membership will not permit you to monopolize the time or keep the rest of us from conducting the work of the organization. However, a vote will be taken as to whether the Board acted properly with respect to you and the organization you purport to represent. If you wish to speak, you will be heard, and you will be heard attentively and courteously. This, as the lingo has it, 'puts you on notice.' Just in case anybody wishes to continue to try the cute technicalities, this also 'puts on notice' the organization you continue illegally to call the National Federation of the Blind of Washington. It also 'puts on notice' each individual in that organization and all of them collectively, as well as any other way that notice may be 'put.'"

"Mr. Robert Acosta

"May 29, 1979

"Mr. Acosta:

"It has come to my attention that your attorney (either with your complicity or acting upon his own impulses) has stated to the California judge that you will not be 'seated' at the upcoming Miami Beach Convention of the National Federation of the Blind and that, therefore, you will not be able to be heard. As I am sure you know, this is simply more 'cute' behavior, and it will not work. If by being 'seated' you are wondering whether you will have a chair upon

which to sit, the answer is that you doubtless will. If you mean by being 'seated' that you should be recognized as the official delegate from California, I do not believe that you will or that you are. However, all of this has nothing to do with whether or not you will have the opportunity to be heard—assuming that is, that you have the courage to come and face the thousands of delegates who will be present. You keep talking about 'the people.' The 'people' will be in Miami Beach, and you know from your own experience at past conventions that you will be heard respectfully and attentively if you choose to come. By all means, let the 'people' decide. You, like the rest of us, will not be able to hide behind Mr. Eisenberg. You will have to speak for yourself, just as would be the case with an individual purporting to be a United States Senator or Congressman. I will have to do the same. Let me hasten to add that Mr. Eisenberg or anybody else is welcome to be in the room to advise you.

"The Convention, the delegates and the members will consider the propriety or impropriety of your expulsion. Whether present or not, you cannot avoid facing the people. Your side of the question will be given as much time as the other side of the question, but I do not believe the delegates will permit this topic to disrupt the Convention or dominate it to the exclusion of the important business of the organization. Therefore, by all means, play your legal games, and permit Mr. Eisenberg to drain off the charitably contributed funds in the process; but do not deceive yourself into believing that it will further your political ambitions or help you in your 'rule or ruin' campaign.

"You, the organization you purport to call the NFB of California, the other people who follow you, it, they, them, Mr. Eisenberg, or whoever is concerned

is hereby placed on notice. The question of the expulsion of you, it, them, or they will be dealt with at the Miami Beach Convention. Be present or not as you choose. No court in the land will seek to prevent the blind of the nation from rendering their verdict. The proceedings will be taped. Anyone who cares to test it will be able to determine whether fairness prevailed. Let us see how you will respond.

"Kenneth Jernigan, President"

## RESOLUTION 79-101

Adopted at the 1979 Convention of the National Federation of the Blind

*Whereas*, Article V of the Constitution of the National Federation of the Blind provides in part: "The Convention is the supreme authority of the Federation. It is the legislature of the Federation. As such, it has final authority with respect to all issues of policy"; and

*Whereas*, questions have arisen concerning the power of the Board of Directors of the National Federation of the Blind to expel, suspend, or otherwise discipline individual members of the Federation, local chapters, state affiliates, or members of the National Board of Directors; and

*Whereas*, it was made clear beyond any reasonable doubt during the discussion which occurred on the floor at the 1977 National Convention in New Orleans when the Constitutional Amendment was adopted concerning the powers and duties of the Board that the National Board of Directors has the power to expel, suspend, or otherwise discipline individual members of the Federation, local chapters, state affiliates, or members of the National Board of Directors;



*Now, therefore, be it resolved* by the members of the National Federation of the Blind in Convention assembled in Miami Beach, Florida, July 3, 1979, that the Convention (as the supreme authority of the Federation) finds and declares as follows:

1. Robert Acosta and the members of the organization which he claims to head and calls the National Federation of the Blind of California, and Sue Ammeter and the members of the organization which she claims to head and calls the National Federation of the Blind of Washington have violated the Constitution and the policies of the National Federation of the Blind.

2. The actions of the National Board of Directors with respect to Robert Acosta, the organization which he claims to head and calls the National Federation of the Blind of California, Sue Ammeter, and the organization which she claims to head and calls the National Federation of the Blind of Washington were right and proper and were within the powers of the Board.

3. Robert Acosta and the members of the organization which he claims to head and calls the National Federation of the Blind of California, and Sue Ammeter and the members of the organization which she claims to head and calls the National Federation of the Blind of Washington are no longer members of the National Federation of the Blind. They may not be readmitted to membership in the Federation except by applying for and being accepted into membership by the organization which is recognized and credentialed by the National Board of Directors as the legitimate affiliate of the Federation in their state.

4. The organization headed by Robert Acosta which claims to be the National Federation of the Blind of California, and the organization headed by Sue Ammeter which claims to be the National Federation of the Blind of Washington are no longer affiliates of the National Federation of the Blind in any way whatsoever; and these or-

ganizations are prohibited from using the trade names or service marks of the Federation or the term Federation of the Blind, National Federation of the Blind, or any variant thereof. Any permission to use the trade names or service marks of the National Federation of the Blind or the term Federation of the Blind, National Federation of the Blind, or any variant thereof which may previously have been granted to these organizations, or any charter or license to be an affiliate of the National Federation of the Blind has already been revoked by the National Board of Directors and is hereby again explicitly revoked.

## MOTION

**Adopted at the 1979 Convention of the National Federation of the Blind**

I move the following:

The Convention of the National Federation of the Blind (acting in its capacity as the supreme authority of the Federation) finds and declares as follows:

1. Robert Acosta and the members of the organization which he claims to head and calls the National Federation of the Blind of California, and Sue Ammeter and the members of the organization which she claims to head and calls the National Federation of the Blind of Washington have violated the Constitution and the policies of the National Federation of the Blind.

2. Robert Acosta and the members of the organization which he claims to head and calls the National Federation of the Blind of California, and Sue Ammeter and the members of the organization which she claims to head and calls the National Federation of the Blind of Washington are hereby expelled from membership in the National Federation of the Blind. They may not be readmitted to membership in the Federation except by applying for and

being accepted into membership by the organization which is recognized and credentialed by the National Board of Directors as the legitimate affiliate of the Federation in their state.

3. The organization headed by Robert Acosta which claims to be the National Federation of the Blind of California, and the organization headed by Sue Ammeter which claims to be the National Federation of the Blind of Washington are no longer affiliates of the National Federation of the Blind in any way whatsoever; and these organizations are prohibited from using the trade names or service marks of the Federation or the term Federation of the Blind, National Federation of the Blind, or any variant thereof. Any permission to use the trade names or service marks of the National Federation of the Blind or the term Federation of the Blind, National Federation of the Blind, or any variant thereof which may previously have been granted to these organizations or any charter or license to be an affiliate of the National Federation of the Blind is hereby explicitly revoked.

### CONSTITUTIONAL AMENDMENT

Adopted at the 1979 Convention of the National Federation of the Blind

Article III Section E of the Constitution of the National Federation of the Blind, now reads: "The Convention by a two-thirds vote may expel and by a simple majority vote suspend, or otherwise discipline, any member or affiliate for conduct inconsistent with this Constitution, or policies established by the Convention; provided that notice of the proposed action shall be announced to the Convention on the preceding day." Article III Section E of the Constitution of the National Federation of the Blind is hereby repealed, and the following language is substituted in lieu thereof:

Article III Section E. Any member, local chapter, or state affiliate of this organization may be suspended, expelled, or otherwise disciplined for misconduct or for activity unbecoming to a member or affiliate of this organization by a two-thirds vote of the Board of Directors or by a simple majority of the states present and voting at a National Convention. If the action is to be taken by the Board, there must be good cause, and a good faith effort must have been made to try to resolve the problem by discussion and negotiation. If the action is to be taken by the Convention, notice must be given on the preceding day at an open Board meeting or a session of the Convention. If a dispute arises as to whether there was "good cause," or whether the Board made a "good faith effort," the National Convention (acting in its capacity as the supreme authority of the Federation) shall have the power to make final disposition of the matter; but until or unless the Board's action is reversed by the National Convention, the ruling of the Board shall continue in effect.

### CONSTITUTIONAL AMENDMENT

Adopted at the 1979 Convention of the National Federation of the Blind

Article V Section B of the Constitution of the National Federation of the Blind is hereby amended by inserting the following language after the sentences which read: "The Board of Directors shall serve as a credentials committee. It shall have the power to deal with organizational problems presented to it by any member or affiliate, shall decide appeals regarding the validity of elections in state or local affiliates, and shall certify the credentials of delegates when questions regarding the validity of such credentials arise."

[The following is the new language to be inserted]

By a two-thirds vote the Board may suspend one of its members for violation of a policy of the organization or for other action unbecoming to a member of the Federation. By a two-thirds vote the Board may reorganize any state or local affiliate. The Board may not suspend one of its own members or reorganize a state or local affiliate except for good cause and after a good faith effort has been made to try to resolve the problem by discussion and negotiation. If a dispute arises as to whether there was "good cause" or whether the Board made a "good faith effort," the National Convention (acting in its capacity as the supreme authority of the Federation) shall have the power to make final disposition of the matter; but until or unless the Board's action is reversed by the National Convention, the ruling of the Board shall continue in effect.

Article IV Section E of the Constitution of the National Federation of the Blind is hereby repealed and Article IV Section F is renumbered Article IV Section E.

As the foregoing documentation makes clear, the convention action was final and irrevocable. The judicial process is not a frivolous little game, and no court in the land will try to force the blind of the nation to associate with these people who have been expelled. After all, there is still such a thing as freedom of association in the land, and a group of citizens (in this case, the blind) have a right to form a private organization and determine the requirements for membership, as well as the standards which members must meet. No judge will send troops with bayonets (and that is what it would take) to compel the thousands of blind people who attend our convention to readmit or associate with the expelled dissidents.

Nevertheless, the Acosta-Ammeter people have continued their disruptive tactics even in the face of the convention vote. They continue the expensive court battle in California; they continue to circulate their

libelous and defamatory tapes and letters throughout the nation; they continue to call themselves "Federationists"; and on the weekend of August 11 they held a meeting in Portland, Oregon, which was billed as the National Federation of the Blind Western Conference. A sign in the hotel lobby proudly proclaimed, "Welcome National Federation of the Blind."

These tactics may or may not be planned (I simply don't know) in concert with the American Foundation and the other traditional enemies of the organized blind movement, but unquestionably they will cost us both money and effort. However, in the long run they will achieve the exact opposite of what our detractors hope. They will draw us closer together; they will underline the reasons why we had to take the actions we took; and they will strengthen our determination.

Two more items at the Miami convention should be mentioned to round out the picture. On Thursday evening at the banquet (which is always the high point of the convention) charters were given to the reorganized affiliates in California and Washington. I said in the presentation to Scott Lewis: "I wish to present a charter that signifies struggle, heartache, accomplishment, triumph and long-range promise. I believe that we will not only have a good but an excellent affiliate in the State of Washington and here to signify our faith and our bond together is a charter to be presented to the President of the National Federation of the Blind of Washington, Scott Lewis."

In his acceptance Scott Lewis spoke of a new dawn rising on the west coast and a sun that would not set. He spoke of vitality and renewal.

After the presentation to the NFB of Washington I said: "The final charter that I have to present tonight has special significance. At one time, I was a resident of the State of California. I learned a great deal of my Federationism from the founder of this

movement; and in the last weeks of his life, I made pledges and commitments to Dr. tenBroek that I have tried over the years to keep. What occurred during the last year would have been difficult for him but he would not have flinched from it. He would, if he had been here in body, have been standing squarely with those of us who tried to bring reforms in that state. I know that as well as I know anything that could be, and I believe he would be proud of the way we behaved in that situation. Sharon Gold is the President of our National Federation of the Blind Western Division as we're now calling it. (I'll give them another charter one day. You can count on it.) Not only have I asked Sharon Gold to come forward but I have also asked Mrs. tenBroek to come forward because of what it symbolizes. (At this stage there was a roaring ovation.) Well, that affirmation speaks clearly from all of us. Therefore, Sharon Gold as President of the National Federation of the Blind Western Division and Mrs. tenBroek as the widow of our founder and also in your own right as one of the people who helped build this movement from the beginning, you receive this charter from the national movement to say that you are part of us and we are part of you and that's the way it will be. Sharon, come forward and speak."

Sharon Gold's reply was direct and to the point. She said: "On behalf of all California Federationists I accept this charter with the responsibilities that go with being an affiliate of this great movement. We are proud to be here and to be one of you. Thank you."

Then Mrs. tenBroek spoke: "Connie McCraw and I had lunch together today, and we came to the conclusion that we were probably the two most fortunate women in the world because we have friends like you. Indeed, Dr. tenBroek would have approved, and does approve I'm sure, of what Dr. Jernigan and you

have done this past year. Sharon, who has been attacked from one end of the state to the other with falsehoods and other kinds of harassment, has stood the test. She is going to be a fine leader and I like to think that when she first came into the movement, I predicted it. Twenty years ago, like attacks were made upon Dr. tenBroek and even some of the same people who are on the other side now were on the other side then. But while the attack 20 years ago hurt the Federation, this time there is no going back. The Federation knows who it is and won't go back, and I know who I am and I'll never go back."

Those words spoken by Mrs. tenBroek summed it up. They caught the mood and the spirit, the hope and the absolute determination of the nation's blind. But there was another speech which also summed it up and touched the spirit. It came on Wednesday morning when Judge Gilbert Ramirez spoke as only he can do it. He laid it on the line: "I listened," he said, "with great interest at the debate yesterday involving the NFBW and the NFBC. You know how hard we worked last year in Baltimore at this convention to make this organization strong. You know how hard we're working this year in Miami Beach to make this organization strong. I am amazed that there are some people who thought that between conventions this great organization, this great movement of ours, was nothing but a sprawling, helpless giant that could be picked up and cut up into 50 little crumbs for the NAC vulture to gobble up between conventions. . . . Do you think for one minute that we duly elected our President Dr. Kenneth Jernigan and duly elected our National Board of Directors in Baltimore last year so they could sit back between conventions and play blind-man's bluff while our collective throats were being cut? Now, quite frankly, I heard Sue Ammeter speak yesterday and she is a lovely, lovely young woman. She has worked long and hard for this movement. My heart



is with her. She is an honorable person. She is well-meaning. I heard Mr. Jenkins, and you heard him, he is an honorable man who devoted 30 years of his life to this movement and he is an honorable man and well-intentioned. But my brothers and my sisters, the way to Hell is paved with good intentions. . . . May I tell you that your survival and my survival as human beings

depends on what we say and what we do here. Indeed, the future of the blind everywhere hangs on the future of our movement. Please, my brothers and my sisters, don't you dare let the Ammeters and the Acostas or anyone else take that away from us. We know who we are and we will never go back. Thank you."

## FINANCING THE MOVEMENT

by RAMONA WALHOF

For the past several years, Federationists have been confronted with the ever-more-critical problem of financing the movement. During 1978 we operated at a deficit; and, of course, that pattern cannot continue. As we all know, there are people in this country who would like to see the Federation destroyed because of lack of funds. But we are determined not to let it happen.

What occurred at the 1979 convention makes it clear that (just as we are prevailing on other fronts) we are also beginning to win the financial battle. We turned a crucial corner: not just the leaders—not just a few hundred—but all of us, the thousands of rank and file members who make up the movement. At last we fully faced our alternatives and realized individually and personally, emotionally as well as intellectually, what we have to do: that we have to come up with the money. It is that simple, and that difficult. It was the climax of months of soul-searching and weighing of values. Reduced to essentials, it comes to this:

We are giving from our own personal incomes, and we will be doing more of it in the months ahead. We will also find other

ways of raising funds. The financial crisis has forced each of us to calculate what the Federation means to us as individuals and what we are willing to contribute in money, time and energy to the future of blind Americans. These hard choices have shown us that we have the strength, the unity, the will, the means, the perseverance, and the faith to survive as a movement.

The convention faced the funding problem head on and produced results. The Public Relations Committee held a seminar Sunday afternoon, at which time fundraising was a major topic.

On Monday morning the announcement of the winners of the Associates contest gave conventioners something to think about. If George Russell can recruit 90 Associates in two months, raising \$900; E. U. Parker can recruit 75 Associates, raising \$2,040; Sandy Sanderson can recruit 60 Associates, bringing in a total of \$785—if these people can do this, the rest of us can do likewise. Associate recruiters who received ribbons wore them proudly. Many without ribbons recruited their first Associate during the convention and earned a white ribbon. Many with white ribbons determined to earn a red or blue ribbon in

1980. Recruiters have come to enjoy this work as much as any other they do for the Federation.

George Russell said, "I will gladly let anybody challenge me. I love it! I will gladly let them have second place. . . This is my first convention and it's really been wonderful. I've met a lot of new friends and I appreciate all the love that's been shown me here. I love every one of you and I hope to see you next year when I accept my thousand dollars."

E. U. Parker said, "Everybody knows somebody that ought to be an Associate. Your local druggist ought to join, or somebody else. And it doesn't have to be limited to your home town. It can be anywhere."

Sandy Sanderson said, "We've got 50,000 members. If we get out and get 10, 20, 30, 40, 50 Associates each, wow! We'll put some money in our coffers. That's the name of the game. Get out and do it!"

Gail Plateau recruited 40 Associates for a total of \$1,900 during the contest. She is from Florida and said that she didn't have as much time as she did in 1978 because she was helping to get ready for the convention. Before the contest began she recruited 188 Associates, more than anyone else in a comparable period. She said, "You can do it if you believe in it. That's the only way to do it. I am accepting George's challenge. Now that the convention is practically over, he'll have to come and catch me."

Other people who were entitled to wear the blue ribbons were: Terry Harris from Idaho who recruited 55 Associates for a total of \$678; Shelia Byrd, South Carolina, 55 Associates at \$620; Sharon Gold, California, 43 Associates at \$1,205; JoAnn Giudicessi, Massachusetts, 40 Associates at \$680.

Fourteen people were entitled to wear red ribbons, and they are: Larry Streeter, Texas; Fred Schroeder, Nebraska; Mrs. Anna Katherine Jernigan, Maryland; Lloyd Jernigan, Michigan; Kenneth Jernigan,

Maryland; Trish Miller, Maryland; Gladys Tenpenny, Texas; Karen Mayry, South Dakota; David Samson, Ohio; Mary Irons, Pennsylvania; Ralph Sanders, Maryland; Richard Edlund, Kansas; Dale Hamm, Alabama; and Mary Ellen Anderson, Maryland. These people have led the way for us all to follow.

The total amount raised from October through May by the Associates program was \$29,639 contributed by 1,469 Associates. Only 198 Federationists participated in recruiting these Associates, and 85 of those recruited only one each.

Monday at the meeting of the Board of Directors, President Jernigan announced a goal for PAC (the Pre-Authorized Check Plan) for the convention. At the beginning of the convention there were 781 people signed up on the PAC Plan. This means they had indicated that they wanted to have a specific amount of money taken from their checking accounts each month for the NFB. These people were giving a total of \$13,004.17 per month, or a projected yearly total of \$156,050.04. The goal was to have at least 1,000 people signed up for the PAC Plan before the end of the convention with a yearly projected contribution of at least \$200,000. Each of us had to determine how much the movement meant to us. As the week progressed, it was gratifying to see the results.

On Thursday morning a large segment of the convention agenda was designated for discussion of financing the movement. President Jernigan said:

"In the past giving has not been in proportion to what people could afford, but it's been in proportion to what people thought was important, how much they thought it was worth in their lives. We've got to examine our conscience. This organization either is worth our giving to it to the point that it really hurts, to the point that we can finance it as it needs financing, or else it's not going to continue with anything like the strength it could have. As a

matter of fact, last year was, indeed, in many ways the best year we ever had legislatively. It was the best year in some ways we ever had publicity-wise. In the overall it was probably the best year we ever had in accomplishments. But we also took some of the hardest licks we've ever had as an organization. And the reasons can all be traced to the fact that we didn't have the funding and had to go into the mails to try to get other people to help with funding. Now think about it. If we can find a way to fund this organization from our own personal efforts, then I can tell you that there is no agency, there is no group, there is nobody in this country who can keep us from our goals. But if we don't, then I think you're going to find us having increasing problems. As we get on the cutting edge of progress, as we get out and begin to change things, what do you expect our enemies to do, sit back and smile and say 'Hit me again?' Of course, they're going to fight every way they can. They've finally learned to combine their efforts.

"As I figure the opponents we have—the American Foundation for the Blind, NAC, the Jewish Guild, the Industrial Home, and the other people, the Chicago Lighthouse, the Minneapolis Society—my best guess is that those people combined have a total wealth of probably a quarter of a billion dollars. That's an awful lot of money. We don't have that much and we don't need that much. We do need about a million dollars a year. If we had that, we'd have disability insurance; we'd have the minimum wage in workshops and we'd have other things.

"We really in one way lost major publicity opportunities in the last year because our efforts were blunted by the attacks made on us in the Des Moines Register, and not just because of that little newspaper in that one state. And it is a little newspaper comparatively. Our efforts were blunted because facts concerning our finances were taken and twisted—deliberately, knowingly,

falsely twisted—and then published by the tens of thousands and circulated by the NAC people throughout the country. You know it, and I know it.

"This morning we've got to talk about finding a way, and everybody here ought to examine carefully your own conscience. Is it worth it to you? If it is, fine. If it isn't, we'd all better decide that we could do something better with our time. This is the bottom line.

"... I made a commitment (in Minnesota) in all candor if I'd known it was going to cost me as much as it did, I don't know that I would have made the commitment. That's the truth. I try to give what I can to this movement. I promised that I would give two dollars for every dollar that Minnesota added to its PAC Plan when I was at the convention. Lo and behold! When it was all counted up, they had added \$349. So Joyce (Scanlan) here for our treasury in Minnesota, the NFB of Minnesota, is my personal check for 698 bucks. ... No, I'm not giving the money publicly to try to be a show-off about it. What I'm trying to do is to urge some other people to search their souls and see if they'll give some, too."

People could and did take this kind of talk seriously at the convention. President Jernigan wasn't alone in his feelings or expressing them. By about 11:00 Thursday morning, Marc Maurer, Chairperson of the PAC Committee was able to report to the convention that 927 Federationists had joined the PAC Plan. That meant that 146 Federationists had joined during the first few days of the convention. It meant we had a good chance of reaching our goal of 1,000. By that time the collective amount pledged per month was \$15,553.17 or \$186,638.04 per year.

Also on Thursday morning other reports were made. Trish Miller, Chairperson of the Associates Committee, invited 2 or 3 representatives from states where only one or no Associates had been recruited to come to a luncheon workshop on Associates. Many

people who had never thought much about Associates before the convention went home excited about this program. Conventioners picked up forms with which to enroll Associates by the hundreds. In fact, we ran so low on forms that many had to place orders to have these forms mailed to their homes after the convention. Conventioners recruited hotel managers, bartenders, cab drivers, restaurant employees and convention speakers and their families. More than \$500 was contributed by Associates who were recruited during the week of the convention. Those of us who attended this convention felt we participated in a process of converting a dream into a real possibility. Many of us have dreamed of a day when funding our movement would no longer be the problem it has been. By the end of the 1979 convention this dream was beginning to look like a very real possibility.

E. U. Parker said, "We must work out the nuts and bolts of fundraising ideas." That is what we were doing.

President Jernigan, as always, encouraged us to reach high for our goals. "Let me tell you what my goal is. I hope that during the next year the PAC Plan can bring in over \$200,000 and that in Associates we can bring in, not \$30,000, but \$500,000, and I think we can!"

Hal Bleakley discussed Deferred Giving. He recommended that we encourage people to name the NFB as beneficiary in their wills and insurance policies. He emphatically suggested that we start with ourselves and pass this idea on to others as we tell them about our organization. He told the convention about the new NFB brochure that describes the Federation and tells the reader how to make the NFB the beneficiary for deferred gifts. This brochure was available at the convention and can be ordered from our national headquarters. Mr. Bleakley recommended distributing it to friends, attorneys, accountants, businesspeople, etcetera. We now receive some bequests, some from people who know rel-

atively little about the NFB. Other organizations and agencies receive a great deal more money in deferred giving. With attention to this type of giving, we can receive many more such gifts. It is an important and lucrative means of gaining funds.

Herb Magin talked about the insurance program of the NFB. There is both health insurance and life insurance. He said, "I have sold people on becoming Associates of the NFB in order to get these policies. They are that good. But in order to make these policies work for the NFB, people have to buy them." Application forms are available from Mr. Magin or from our national headquarters.

Another and different means of raising funds combined with public education about blindness was discussed by Ramona Walhof, Chairperson of the Hike-a-thon/Bike-a-thon Committee. She offered advice and assistance from the Committee to any chapter that is interested in planning a Walk-a-thon or Bike-a-thon. More than half a dozen chapters have already held a Hike/Bike-a-thon and are extremely enthusiastic about the possibilities of this type of fundraising. This kind of event takes coordination and advanced planning, but it could be developed into a nationwide event, and nothing could be more beneficial to the blind than that.

By Friday afternoon at about 3:00 Marc Maurer was able to announce that, although he had lost track of the exact number of Federationists now enrolled in PAC, he had figures on the amounts. The collective annual pledge was \$199,496.04. It would take \$42 per month to reach our goal of \$200,000. Immediately, there were people at the microphones asking to be heard. Joseph Varghese said he would raise \$21 if someone else would. Dale and Pat Wolthoff would match it. We had reached the goal. Bob Eschbach and Paul Kay wanted to raise their commitments. We were above the goal. Of course, nothing could top this for a note of hard-fought-for



accomplishment to end the convention. But at this point we have pledges. It remains to be seen whether the estimates can be realized.

Contests and competition among states on PAC are fun, of course. We all understand that the matter of raising funds is deadly serious. It is a matter that demands more from each of us than we have given in the past, but not more than we can give. This is the message on fundraising of the 1979 convention. As we each have found so many times in the NFB, when we try and try as hard as we can, we succeed. Our success may take time, and it always takes much effort, but we are succeeding. Nothing can prevail against the combined efforts and commitment of the organized blind movement. We shall prevail.

Of course, recruitment of Associates, joining the PAC Plan, and the other projects discussed in this article are not the only ways in which members of the Federation give financial support to the movement. Some members make annual or more

frequent donations, often of sizeable amounts. These donations are credited to the appropriate individuals and states and are reflected in the rankings when total contributions for the states are listed.

I believe Federationists will find the following chart interesting. The first figures show what each state was giving per month on the PAC Plan as of June 15, 1979 and how many members in that state were contributing. The states are ranked in order of the amount of money they were giving per month. The second list of figures show what the states were giving as of September 1, 1979. Remember that this is not necessarily the amount pledged at the convention and that it does not take into account pledges which (for whatever reason) have not yet gone into effect. It shows the actual PAC Plans fully in effect September 1. There have been problems with some of the banks, delays in getting paper work processed, etcetera. The totals change almost every day, but here is how it stood on the two dates in question:

JUNE 15, 1979

State Rank	Number of Contributors	Amount per Month	State Rank	Number of Contributors	Amount per Month
1 Iowa	88	\$ 1,787.50	26 New Jersey	6	105.00
2 Maryland	56	1,754.00	27 Pennsylvania	10	100.00
3 Colorado	36	785.50	28 Connecticut	8	90.00
4 Minnesota	34	766.17	29 Georgia	3	85.00
5 California	56	742.00	30 New Hampshire	11	82.50
6 Missouri	37	677.00	31 Arkansas	7	73.00
7 New York	24	471.50	32 Alabama	9	72.50
8 Massachusetts	36	422.50	33 Utah	6	55.00
9 Michigan	23	418.00	34 Montana	4	40.00
10 Texas	15	411.50	35 Oregon	6	40.00
11 Virginia	22	376.00	36 Alaska	4	35.00
12 Kansas	20	372.50	37 Oklahoma	3	25.00
13 Ohio	30	351.00	38 Rhode Island	3	25.00
14 Illinois	15	344.00	39 Tennessee	1	25.00
15 Nebraska	21	322.00	40 Wisconsin	3	25.00
16 District of Columbia	12	291.00	41 Hawaii	1	20.00
17 Idaho	26	250.50	42 Arizona	2	15.00
18 Kentucky	17	237.50	43 New Mexico	2	15.00
19 South Carolina	40	232.50	44 South Dakota	2	15.00
20 Florida	13	225.00	45 West Virginia	3	14.50
21 Louisiana	20	190.00	46 Delaware	2	10.00
22 North Carolina	15	182.00	47 Nevada	1	10.00
23 Mississippi	9	145.00	48 Wyoming	1	10.00
24 Indiana	11	140.00	49 Maine	1	5.00
25 Washington	4	110.00	50 North Dakota	1	5.00
			51 Vermont	1	2.00
TOTALS			781	\$13,004.17	

## SEPTEMBER 1, 1979

State Rank		Number of Contributors	Amount per Month	State Rank		Number of Contributors	Amount per Month
1	Maryland	53	\$ 1,973.00	26	Arkansas	12	123.00
2	Iowa	94	1,947.00	27	Pennsylvania	13	120.00
3	Missouri	42	906.00	28	Georgia	5	115.00
4	Minnesota	33	891.00	29	Connecticut	9	101.00
5	Colorado	43	888.00	30	Oregon	9	100.00
6	California	54	792.00	31	Wisconsin	4	100.00
7	New York	25	519.50	32	Utah	1	81.00
8	Illinois	23	517.00	33	Alabama	8	75.50
9	Texas	21	502.50	34	New Hampshire	9	67.00
10	Massachusetts	40	497.50	35	West Virginia	8	64.50
11	Virginia	26	438.00	36	New Jersey	5	55.00
12	Michigan	21	428.00	37	Alaska	5	50.00
13	Kansas	23	414.50	38	Arizona	5	45.00
14	District of Columbia	12	375.00	39	Montana	4	45.00
15	Ohio	35	371.00	40	Oklahoma	5	35.00
16	Idaho	37	347.50	41	South Dakota	4	31.00
17	Nebraska	25	342.00	42	New Mexico	4	30.00
18	South Carolina	45	295.50	43	Rhode Island	3	30.00
19	Louisiana	23	290.66	44	Delaware	4	25.00
20	Kentucky	13	252.50	45	Hawaii	1	20.00
21	Florida	16	233.00	46	North Dakota	2	11.00
22	North Carolina	16	212.00	47	Nevada	1	10.00
23	Mississippi	9	167.50	48	Wyoming	1	10.00
24	Indiana	12	155.00	49	Maine	2	8.00
25	Washington	4	140.00	50	Tennessee	1	5.00
				51	Vermont	1	2.00
				TOTALS		871	\$15,254.66

Note that the September 1 figures are below the \$200,000 mark. As indicated, some of the pledges have not yet been put into full effect, and some of the paper work on others is still lacking. Each of us should check to make certain that the paper work on our pledges is fully processed and our convention commitments kept.

## CONCERNING MEMBERS, ASSOCIATES, AND CONTESTS

by KENNETH JERNIGAN

In 1978 the NFB Constitution was amended to provide for "members-at-large" at the national level. These members-at-large were given the same rights, privileges, and responsibilities as any other member of the Federation at the national level—that is, they may attend the National Convention, speak on the floor, make motions, make nominations, participate in discussions carried on by the delegation from their state, and serve on committees. As is the case with any other member, they do not have an individual vote at the National Convention since votes are cast by elected delegates from the state affiliates. The national "members-at-large" are eligible to participate in the hospitalization and life insurance program conducted by the Federation. In other words they have a real and meaningful membership. Unless they specifically join a state or local affiliate, they are not members of the affiliate and have no more rights in the affiliate than any other nonmember of the affiliate. They are national members-at-large.

National "members-at-large" must fill out a membership application form and pay an assessment of \$1 per year to the national treasury to keep their membership in force. Each year a new application form must accompany the \$1 assessment. Any application form dated, received, and accepted at the Treasurer's office or the national office in Baltimore before October 1 will entitle the applicant to membership for the remainder of that calendar year. Any application form dated, received and accepted at the Treasurer's office or the national office after October 1 entitles the person to membership for the remainder of that calendar year and all of the following calendar year. Members of the Federation who recruit national "members-

at-large" should make certain that the name and full address of the member-at-large are legibly *printed* or typed in the appropriate place on the application form. In addition, the *name* and the state of the person doing the recruiting should be clearly printed or typed in the place on the form which says "local representative of the National Federation of the Blind." This is absolutely necessary if the recruiter is to receive credit for enrolling the member-at-large.

All members of state and local affiliates are members of the National Federation of the Blind. A majority of the voting members of an affiliate must be blind, but some affiliates require that 2/3 or 3/4 of the voting members be blind. A few affiliates require that all voting members be blind. Sometimes (either because voting membership is limited to blind persons, or because the quota of sighted voting members has been filled, or for some other reason) affiliates admit sighted persons as associate members. (Associate members of affiliates should not be confused with the recently established "Associates" program involving national members-at-large.) By virtue of membership in an affiliate (whether associate membership or voting membership) an individual automatically becomes a member of the National Federation of the Blind, with the right to attend national conventions, speak on the floor, make motions, make nominations, participate in discussions carried on by the state delegation, and serve on committees. As has already been noted, the state has one vote at the National Convention, and the state affiliate determines who the voting delegate will be and how the vote will be cast.

All members of the National Federa-



tion of the Blind (whether national members-at-large, associate members of affiliates, or regular members of affiliates) should make contributions to support the national movement. Increasingly members of affiliates are joining the Pre-Authorized Check (PAC) Plan, whereby a specified amount is withdrawn monthly from the member's bank account and deposited in the national treasury. Members of affiliates also make direct donations to the national treasury, as do the affiliates themselves. These donations are credited to the appropriate state and are included in the totals when the states are ranked according to the amounts they have contributed.

The "associates" program has been established to encourage contributions from national members-at-large. Members of the Federation are trying to recruit as many new national members-at-large as possible and to get these members-at-large to become "associates." A membership application form (a copy appears at the end of this article) should be filled out each year for each national member-at-large and the amount which is being contributed should be noted on the form. For 1978-79 there was a contest to see who could recruit the largest number of "associates." The contest ended May 31, 1979, and was won by George Russell of Texas, who recruited 90 associates and brought in almost \$1,000 to the national treasury.

At the Miami Beach convention a new contest was announced for 1979-80. The person who brings in the largest number of associate contributions to the National Federation of the Blind will be the winner. Those associate contributions will be counted for the 1979-80 contest which come into the office of the Treasurer in Kansas City or the national office in Baltimore from June 1, 1979 through May 31, 1980. (The May 31 deadline will allow time for the contest results to be computed be-

fore the National Convention.) The contest winners will be announced at the National Convention.

The first prize will be \$1,000

The second prize will be \$500

The third prize will be \$200

The fourth prize will be \$100

The goal of the NFB "associates" program is to bring in much needed funds for our movement. Contributions of *any* size are welcomed and appreciated and may be sent in with the membership application form. People who give \$1 or more for any given year will be considered members-at-large of our organization. People who give a total of more than \$1 but less than \$10 are not only members-at-large but are, of course, also contributors. However, they are not (see the application form) "associates." They do not count in calculating the totals for the contest.

Each "associate" (that is, each contributor of \$10 or more) will count in the contest. Not only individuals but organizations may make associate contributions. For instance, a Neighborhood Club may make a contribution in the name of the Club instead of in the name of an individual.

Periodically "associates" will receive educational mailings from the national office. Associates contributing between \$10 and \$99.99 will receive a card of acknowledgement from the national office, and those contributing \$100 or more will receive a certificate.

If a form reaches the Treasurer's office or the national office and does not have the name of the recruiter on it, the person who did the recruiting will not get credit for the associate. Once the form has been received, the name of the recruiter will not be added, even if the recruiter or the associate contacts the national office. This will give everyone an equal opportunity and seems

the fairest way to proceed. If the form does not contain the name of the recruiter, the credit will be given to the state listed as the associate's place of residence. From time to time the states are ranked as to how many associates they have recruited. This does not involve the contest but is a matter of interest and recognition for the states. Either the recruiter or the associate may send in the form.

Each year on the second Monday in November (November 12, 1979) an educational mailing will be sent from the national office to all associates. This mailing will include a membership application form and a request that the individual sign up to continue as a member and an associate for the coming year. Associates will be asked (if they care to do so) to fill in the name of the Federationist who recruited them, or they may fill in the name of any other Federationist that they wish to have the credit for their renewal. If the name of a Federationist appears on the renewal application, that person will receive credit for the renewal in the contest.

Trish Miller, who chairs the Associates Committee, puts it this way: "If you got 40 associate contributions for our movement for the year 1979, and 20 of those contributors renewed their membership for 1980, due to the November mailing, all of them who signed your name to the form would count as associates you had brought in for the 1980 contest. If five of them forgot to fill in your name, then these would not count for you in the contest. (One reason for this rule is that if the national office tried to track down the recruiting Federationist for every unsigned contribution, various Federationists would receive an unfair advantage because the names of their relatives and friends would be easily recognized.)"

If a person makes more than two associate contributions to the National Federa-

tion of the Blind between June 1 and the following May 31, only two contributions will be counted toward the contest in the Federationist's name. Thus, if John Smith makes one contribution for 1979 and one for 1980, both may be counted toward the 1979-80 contest, if the forms arrive before May 31, 1980.

Members of state and local affiliates should not make their contributions through the "associates" program. They should join the PAC Plan or simply make donations to the national office. The "associates" program is designed to provide a way for national members-at-large to make contributions.

If two Federationists bring in the same number of associates, the one bringing in the larger amount of money will be ranked higher. If Federationists bring in the same number of associates and the same amount of money, they will be ranked alphabetically.

Again, quoting Trish Miller: "At the end of the calendar year and during or after the National Convention in July, your state president or a member of the Associate Committee in your state will receive a list of contributors for each Federationist in your state with the amount of the donation and the date of contribution. This list may be useful to your chapter, for over a period of time associate contributors will become resource people well educated about the NFB and blindness. The list is also for the purpose of your personally contacting contributors who did not renew their membership. Our experience has been that the November mailing results in only 10 percent or so of associates renewing their membership. Personal contact or a letter with your name at the bottom always works best!"

Trish goes on to say: "There is not a contest for states, but some state presidents are making friendly wagers with other state presidents, and many affiliates are voting to

award a prize to the Federationist within the state who gets the most associate contributions. All Federationists who bring in associate contributions will be receiving various colors of associate ribbons at next year's national convention in Minneapolis. At the Miami convention, white ribbons were awarded to Federationists who brought in 1 to 14 associates, red ribbons to Federationists who brought in 15 to 39 associates, and blue ribbons to Federationists who brought in 40 or more associates. See to it that your state has plenty of associate ribbons proudly displayed next year!"

Contests are fun, but the "associates" program is serious and important business. It is possibly as vital as the very survival of our movement. Our opponents are desperately trying to block our path to independence. They know that if they can strangle us financially, they can make us ineffective.

The members of the movement are currently giving approximately \$200,000 through the PAC Plan, and we can and will do even more. However, if we are to continue to publish the *Monitor*, distribute Presidential releases on cassette, conduct seminars, produce and distribute materials, carry on civil rights cases, operate our Washington office, provide information and help to individuals and affiliates throughout the country, produce public service announcements, do legal research, recruit new members, evaluate and promote new aids and appliances, combat discrimination in

insurance and/or the airlines, and do all of the other things which make of our movement the force which it is for bettering the lives of the blind, we must find more money. We must ask our families, our friends, and the members of the public at large to join with us. We must recruit them as members and associates. If our organization is really meaningful to us, each of us must help finance it. This year's national convention underlined and emphasized the fact that we can and will. No force on earth (no American Foundation for the Blind, no NAC, no public misunderstandings and misconceptions, no group or combination) can do it. It is not simply a catch-phrase when we say: We know who we are, and we will never go back!

We understand the implications of what we are saying, and we mean it—every word of it. One way in which every individual member of the Federation can give form and substance to his or her faith in the movement is by recruiting associates. It cannot be done by only a few. We are a people's movement, and we either have broad participation or we are nothing. The goal for the associates program between now and the 1980 convention is \$250,000. If you want membership application forms to recruit associates, contact your local or state president or write the national office at 1800 Johnson Street, Baltimore, Maryland 21230. Here is a reprint of the form:





# NATIONAL FEDERATION OF THE BLIND

## MEMBERSHIP APPLICATION FORM

The National Federation of the Blind has chapters in all fifty states and in almost every local community in the nation. The Federation has more than 50,000 members and is working to help the blind to have full and meaningful lives. It is not financed by the government but depends for support on contributions from its Members, and its Friends.

I support the National Federation of the Blind and herewith pay one dollar for Membership-at-large in the organization. As a Member-at-large I wish to make a tax-deductible contribution for the year \_\_\_\_\_ in the amount of:

- ☐ Associate—\$10
- ☐ Contributing Associate—\$25
- ☐ Supporting Associate—\$50
- ☐ Sponsoring Associate—\$100
- ☐ Sustaining Associate—\$500
- ☐ Member of the President's Club—\$1,000
- ☐ Other

(Please type or print legibly.)

Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Date \_\_\_\_\_

Local representative of the National Federation of the Blind:

(Name) \_\_\_\_\_ (State) \_\_\_\_\_

This application and accompanying check made payable to **National Federation of the Blind** should be sent to:

Richard Edlund, Treasurer  
National Federation of the Blind  
Box 11185  
Kansas City, Kansas 66111

## RECEIPT



Received of \_\_\_\_\_

the amount of \_\_\_\_\_ dollars. Date \_\_\_\_\_

\_\_\_\_\_  
*Signature of local representative of the National Federation of the Blind*

(All contributions to the National Federation of the Blind are tax-deductible.)



CONSTITUTION  
OF  
THE NATIONAL FEDERATION OF THE BLIND, INC.  
*AS AMENDED 1979*

ARTICLE I. NAME

The name of this organization is The National Federation of the Blind.

ARTICLE II. PURPOSE

The purpose of The National Federation of the Blind is to promote the security and social welfare of the blind.

ARTICLE III. MEMBERSHIP

**Section A.** The membership of The National Federation of the Blind shall consist of the members of the state affiliates plus members at large. Members at large shall have the same rights, privileges, and responsibilities in The National Federation of the Blind as those exercised by members of state affiliates.

The Board of Directors shall establish procedures for admission of members at large, determine how many classes of such members shall be established, and determine the annual dues to be paid by members of each class.

**Section B.** Each state or territorial possession of the United States, including the District of Columbia, having an affiliate shall have one vote at the National Convention and shall be referred to hereinafter as state affiliates.

**Section C.** Affiliates shall be organizations of the blind, controlled by the blind.

**Section D.** The Board of Directors shall establish procedures for the admission of new state affiliates. There shall be only one affiliate in each state.

**Section E.** Any member, local chapter, or state affiliate of this organization may be suspended, expelled, or otherwise disciplined for misconduct or for activity unbecoming to a member or affiliate of this organization by a two-thirds vote of the Board of Directors or by a simple majority of the states present and voting at a National Convention. If the action is to be taken by the Board, there must be good cause, and a good faith effort must have been made to try to resolve the problem by discussion and negotiation. If the action is to be taken by the Convention, notice must be given on the preceding day at an open Board meeting or a session of the Convention. If a dispute arises as to whether there was "good cause," or whether the Board made a "good faith effort," the National Convention (acting in its capacity as the supreme authority of the Federation) shall have the power to make final disposition of the matter; but until or unless the Board's action is reversed by the National Convention, the ruling of the Board shall continue in effect.

ARTICLE IV. OFFICERS, BOARD OF DIRECTORS, AND  
ADVISORY BOARD, NATIONAL FEDERATION OF THE BLIND

**Section A.** The officers of The National Federation of the Blind shall consist of (1) President, (2) First Vice-President, (3) Second Vice-President, (4) Secretary, and (5) Treasurer. They shall be elected biennially.

**Section B.** The officers shall be elected by majority vote of the state affiliates present and voting at a National Convention

**Section C.** The National Federation of the Blind shall have a Board of Directors, which shall be composed of the five officers, the immediate past President, and nine additional members, five of whom shall be elected at the annual Convention in 1978 and four of whom shall be those elected to the Board of Directors for two-year terms at the annual Convention in 1977. With the exception of the immediate past President, members of the Board of Directors shall serve for two-year terms. The terms of the Board members elected in 1977 shall expire in 1979; and the terms of those elected in 1978 shall expire in 1980.

**Section D.** The Board of Directors may in its discretion create an Advisory Board, National Federation of the Blind, and determine the composition, duties, and qualifications of the members of the Advisory Board.

**Section E.** No person receiving regular substantial financial compensation from The National Federation of the Blind shall be an elected officer or member of the Board of Directors.

#### ARTICLE V. POWERS AND DUTIES OF THE CONVENTION, THE BOARD OF DIRECTORS, AND THE PRESIDENT

**Section A. Powers and Duties of the Convention.** The Convention is the supreme authority of the Federation. It is the legislature of the Federation. As such, it has final authority with respect to all issues of policy. Its decisions shall be made after opportunity has been afforded for full and fair discussion. Delegates, members, and all blind persons in attendance may participate in all Convention discussions as a matter of right. Any member of the Federation may make or second motions, propose nominations, and serve on committees; and is eligible for election to office, except that only blind members may hold elective office. Voting and making motions by proxy are prohibited. Consistent with the democratic character of the Federation, Convention meetings shall be so conducted as to prevent parliamentary maneuvers which would have the effect of interfering with the expression of the will of the majority on any question, or with the rights of the minority to full and fair presentation of their views. The Convention is not merely a gathering of representatives of separate state organizations. It is a meeting of the Federation at the national level in its character as a national organization. Committees of the Federation are committees of the national organization. The nominating committee shall consist of one member from each state affiliate represented at the Convention.

**Section B. Powers and Duties of the Board of Directors.** The function of the Board of Directors as the governing body of the Federation between Conventions is to make policies when necessary and not in conflict with the policies adopted by the Convention. Policy decisions which can reasonably be postponed until the next meeting of the National Convention shall not be made by the Board of Directors. The Board of Directors shall serve as a credentials committee. It shall have the power to deal with organizational problems presented to it by any member or affiliate, shall decide appeals regarding the validity of elections in state or local affiliates, and shall certify the credentials of delegates when questions regarding the validity of such credentials arise. By a two-thirds vote the Board may suspend one of its members for violation of a policy of the organization or for other action unbecoming to a member of the Federation. By a two-thirds vote the Board may reorganize any state or local affiliate. The Board may not suspend one of its own members



or reorganize a state or local affiliate except for good cause and after a good faith effort has been made to try to resolve the problem by discussion and negotiation. If a dispute arises as to whether there was "good cause" or whether the Board made a "good faith effort," the National Convention (acting in its capacity as the supreme authority of the Federation) shall have the power to make final disposition of the matter; but until or unless the Board's action is reversed by the National Convention, the ruling of the Board shall continue in effect. At each meeting, the Board of Directors shall receive a report from the President on the operations of the Federation. There shall be a standing subcommittee of the Board of Directors which shall consist of three members. The committee shall be known as the Subcommittee on Budget and Finance. It shall, whenever it deems necessary, recommend to the Board of Directors principles of budgeting, accounting procedures, and methods of financing the Federation program; and shall consult with the President on major expenditures.

The Board of Directors shall meet at the time of each National Convention. It shall hold other meetings on the call of the President or on the written request of any five members.

**Section C. Powers and Duties of the President.** The President is the principal administrative officer of the Federation. In this capacity his duties consist of: carrying out the policies adopted by the Convention; conducting the day-to-day management of the affairs of the Federation; authorizing expenditures from the Federation treasury in accordance with and in implementation of the policies established by the Convention; appointing all committees of the Federation except the Board of Directors; coordinating all activities of the Federation including the work of other officers and of committees; hiring, supervising, and when necessary, dismissing staff members and other employees of the Federation, and determining their numbers and compensation; taking all administrative actions necessary and proper to put into effect the programs and accomplish the purposes of the Federation.

The implementation and administration of the interim policies adopted by the Board of Directors is the responsibility of the President as principal administrative officer of the Federation.

## ARTICLE VI. STATE AFFILIATES

Any organized group desiring to become a state affiliate of The National Federation of the Blind shall apply for affiliation by submitting to the President of The National Federation of the Blind a copy of its constitution and a list of the names and addresses of its elected officers. Under procedures to be established by the Board of Directors, action shall be taken on the application. If the action is affirmative, The National Federation of the Blind shall issue to the organization a charter of affiliation. Upon request of the national President the state affiliate shall, from time to time, provide to the national President the names and addresses of its members. Copies of all amendments to the constitution and/or bylaws of an affiliate shall be sent without delay to the national President. No organization shall be accepted as an affiliate and no organization shall remain an affiliate unless at least a majority of its voting members are blind. The president, vice-president (or vice-presidents), and at least a majority of the executive committee or board of directors of the state affiliate and of all of its local chapters must be blind. Affiliates must not merely be social organizations but must formulate programs and actively work to promote the economic and social betterment of the blind. Affiliates must comply with the provisions of the Constitution of the Federation. Policy decisions of the Federation are binding upon all affiliates, and the

affiliate must participate affirmatively in carrying out such policy decisions. The name *National Federation of the Blind*, *Federation of the Blind*, or any variant thereof is the property of The National Federation of the Blind; and any affiliate, or local chapter of an affiliate, which ceases to be part of The National Federation of the Blind (for whatever reason) shall forthwith forfeit the right to use the name *National Federation of the Blind*, *Federation of the Blind*, or any variant thereof.

A general convention of the membership of an affiliate or of the elected delegates of the membership must be held and its principal executive officers must be elected at least once every two years. There can be no closed membership. Proxy voting is prohibited in state and local affiliates. Each affiliate must have a written constitution or bylaws setting forth its structure, the authority of its officers, and the basic procedures which it will follow. No publicly contributed funds may be divided among the membership of an affiliate on the basis of membership, and (upon request from the National Office) an affiliate must present an accounting of all of its receipts and expenditures. An affiliate which fails to be represented at three consecutive National Conventions may be considered to be inactive, and may be suspended as an affiliate by the Board of Directors. The affiliate must not indulge in attacks upon the officers, Board members, leaders, or members of the Federation or upon the organization itself outside of the organization, and must not allow its officers or members to indulge in such attacks. This requirement shall not be interpreted to interfere with the right of an affiliate or its officers or members to carry on a political campaign inside the Federation for election to office or to achieve policy changes. No affiliate may join or support, or allow its officers or members to join or support, any temporary or permanent organization inside the Federation which has not received the sanction and approval of the Federation.

#### ARTICLE VII. ASSESSMENTS

Each state affiliate shall pay an annual assessment of \$30. Assessments shall be payable in advance on or before January 1.

Any state affiliate which is in arrears with its assessment at the time of the National Convention shall be denied the right to vote.

#### ARTICLE VIII. DISSOLUTION

In the event of dissolution, all assets of the organization shall be given to an organization with similar purposes which has received a 501(c)(3) certification by the Internal Revenue Service.

#### ARTICLE IX. AMENDMENTS

This Constitution may be amended at any regular annual Convention of the Federation by an affirmative vote of two thirds of the states registered, present, and voting. Provided further: that the proposed amendment must be signed by five member states in good standing and that it must have been presented to the President the day before final action by the Convention.

Resolutions of the National Federation of the Blind express policy votes on important matters affecting the blind of this country. Resolutions may come to the floor in one of two ways: either by action of the Board of Directors or by action of the Resolutions Committee. Any member of the NFB who wishes to bring a Resolution to the attention of the convention may do so. Ordinarily this is done through the Resolutions Committee, but the Committee is not empowered to kill any Resolution. It only recommends "pass or not pass." The final decision on each Resolution must be made by the vote of the entire convention.

The following Resolutions were presented to the Resolutions Committee for

consideration at the 1979 NFB Convention. They were discussed and acted on by the Committee and passed out for consideration on the floor of the convention. Resolutions numbered 79-01 through 79-11 and 79-13 through 79-24 were adopted by the convention. Resolution 79-12 was rejected.

Resolution 79-12 would have put the NFB on record as opposing right turns on red lights. Although this practice is legal throughout most of the country, it is not permitted in Washington, D.C., or New York City. This resolution would have opposed any expansion of right turn on red lights. After consideration of this matter by the convention, the resolution was rejected.

**RESOLUTIONS ADOPTED BY THE  
THIRTY-NINTH ANNUAL CONVENTION  
OF THE NATIONAL FEDERATION OF THE BLIND  
Miami Beach, Florida, July 1979**

**RESOLUTION 79-01**

*Whereas*, it is estimated that one-fifth of the blind people who work in this country work in sheltered workshops, many on subminimum wages with poor working conditions, no benefits of collective bargaining, no representation in management's decisions, and little knowledge of their rights, except for that which they acquire by becoming part of the organized blind movement; and

*Whereas*, the deplorable exploitation of many of the blind who work day after day, year after year, in these workshops is actually exploitation of the blind as a class of citizens, and each of us suffers greatly for those shopworkers who must bear the major burden of management's mistreatment of the blind; and

*Whereas*, historically we have had few allies in this struggle; we have turned to the Congress with some, but only modest success to date, and more recently we have looked to the U.S. Department of Labor where there have been some tentative words of encouragement, yet we need protection and we need it now; and

*Whereas*, the most hopeful and promising breakthrough in our long struggle for equality in the workplace has been the recent scrutinizing of the sheltered workshop system by the public media, especially the *Wall Street Journal*, *U. S. News & World Report*, and the CBS television network program "60 Minutes;" and

*Whereas*, the findings reported so far should make federal compliance and enforcement agencies (such as the Department of Labor) shamefaced to think that they should have known of the exploitation in the sheltered workshops, and yet they have done little to offer protection to these workers; instead the Department of Labor spends its time "consulting" with management, while the employees themselves remain largely uninformed about their rights: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization loudly applauds those individuals in the public media and their respective news organizations who have at last heard the cry of the blind for justice in the workplace and listened to the injustices which now bedevil the blind; and

*Be it further resolved* that this organization calls upon the Department of Labor to come up to the line and do its duty, not only to enforce the current laws on behalf of workers (not just on behalf of management), but also to initiate new methods of protecting the wages and working conditions for blind workers who are often powerless without such assistance; and

*Be it further resolved* that this organization shall continue to seek federal and state legislation as one means of protecting blind workers while inviting the Department of Labor to join us before the appropriate Committees of the Congress in recommending proper legislative remedies where administrative action proves inadequate to end the abuse of blind workers once and for all.

#### RESOLUTION 79-02

*Whereas*, H.R. 3764, a bill to amend the Fair Labor Standards Act of 1938 to provide that blind persons may not be employed at less than the applicable minimum wage under that Act, has been introduced in the 96th Congress by the Honorable Phillip Burton of California; and

*Whereas*, this legislation represents continuing recognition in the Congress that blind and visually impaired workers are often treated unfairly in the work force, and as equal citizens and taxpayers they deserve the wage protection afforded to others through the Fair Labor Standards Act; and

*Whereas*, H.R. 3764 has been referred to the Labor Standards Subcommittee of the Committee on Education and Labor in the House of Representatives, the same Subcommittee which, in 1978, held hearings on an identical minimum wage bill introduced in the 95th Congress; and

*Whereas*, during those hearings and subsequently, a substantial case has been made for favorable action on legislation of this type, the arguments of the opponents piling in the face of their gross exploitation of blind workers as recently reported in the public media: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization commends and thanks Representative Phillip Burton for helping the blind to keep the need for minimum wage rights in the work force before the Congress and the American people and pledges to Mr. Burton our unceasing efforts to secure enactment of this legislation; and



*Be it further resolved* that this organization urges the Chairman of the Labor Standards Subcommittee, the Honorable Edward P. Beard of Rhode Island, to heed and respond to the growing public outcry for Congressional action in this area by scheduling H.R. 3764 for immediate mark-up during this session of the 96th Congress, so that this bill can move on its way through the House of Representatives, then to the Senate and hopefully, into public law.

#### RESOLUTION 79-03

*Whereas*, on June 5, 1979, the Civil Aeronautics Board issued proposed rules designed to prohibit discrimination against handicapped persons in air travel; and

*Whereas*, the CAB's proposed rules, while lacking some in force (for example, using overly permissive language, such as "may" when "shall" would be preferable), are nonetheless the most positive step in recent years toward outlawing the discrimination which blind persons face in traveling on scheduled airlines; and

*Whereas*, while the overall thrust of the CAB proposed rules is in the right direction, the Board has still failed to recognize that denying blind persons access to canes during any portion of a flight constitutes unreasonable discrimination, since in the absence of a guidance device, blind people are left at a disadvantage in exiting as rapidly and safely as possible if an emergency occurs; the CAB's proposed rules state: "Carriers shall allow passengers using canes or crutches to keep those aids near them at all times, except when prohibited by the Federal Aviation Regulations"; and

*Whereas*, this language ducks a major issue of discrimination facing blind persons who travel on airlines today, the CAB having chosen the posture of the proverbial ostrich by hiding its head in the sand; and

*Whereas*, blind persons who use dog guides are also victims of discrimination by the restricted seating rules which many airlines impose, assigning blind passengers and their dog guides to bulkhead seats only: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization insists that any rules which purport to prohibit discrimination on the basis of handicap are grossly inadequate unless they guarantee blind persons the option of maintaining possession of canes so that these essential guidance devices will be immediately accessible in the event of an emergency evacuation; and

*Be it further resolved* that this Federation declares that the CAB rules must also specifically prohibit restricted seating arrangements which have been applied to blind persons, especially persons using dog guides; and

*Be it further resolved* that copies of this resolution shall be filed with the Civil Aeronautics Board for its consideration in evaluating comments on the proposed rules, and that this Federation requests a specific response from the CAB upholding our position on these issues.

## RESOLUTION 79-04

*Whereas*, Senator Harrison Williams, Chairman of the Senate Committee on Labor and Human Resources, has introduced S. 446, the Equal Employment Opportunity for the Handicapped Act of 1979; and

*Whereas*, S. 446 seeks to include persons with "handicapping conditions" (including the blind) among the protected groups listed in Title VII of the Civil Rights Act of 1964, the effect being to provide blind and handicapped persons employment rights and remedies against discrimination in employment which are now available to women and minorities under federal law; and

*Whereas*, bringing the blind under the protection of the federal Civil Rights Act has been a long-standing objective of the National Federation of the Blind, one which we have reaffirmed on many occasions, and a goal which we must continue to espouse; and

*Whereas*, despite the federal and state legislation now on the books to protect blind and handicapped persons against employment discrimination, many employers remain uncovered, leaving their employees with no adequate recourse or protection under law: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization praises Senator Harrison Williams for stepping forward to use his leadership on behalf of blind and handicapped persons who often have no remedy against discrimination in the work force; and

*Be it further resolved* that this organization urges swift action on S. 446 in the Senate of the United States during this session of the 96th Congress and calls upon the leaders in the House of Representatives to follow the Senate's lead in considering these Civil Rights amendments in order to provide a greater measure of protection to the blind and handicapped who want to work on equal terms and conditions with others as first-class citizens in America.

## RESOLUTION 79-05

*Whereas*, H.R. 4390 is the legislative appropriations bill containing proposed appropriations for the Library of Congress National Library Service for the Blind and Physically Handicapped for fiscal year 1980; and

*Whereas*, this bill as reported from the House Appropriations Committee calls for an actual decrease of 6.5% in the funds appropriated to NLS over the amount which was available for fiscal year 1979—that is the fiscal year 1980 amount would be \$34,337,000 compared to the actual appropriation for fiscal year 1979 of \$36,729,700; and

*Whereas*, even at the 1979 level of funding the blind receive generally inadequate library service when compared to the wealth of printed material available to sighted through their libraries, book stores, and news stands; and

*Whereas*, in recent years this organization has been encouraged by the comparatively substantial growth in funding for library services for the blind and physically handicapped, the annual appropriations having more than tripled in five years, increasing by 21.8% alone from fiscal year 1978 to fiscal year 1979; and

*Whereas*, the proposed 1980 appropriation represents a substantial retrenchment which seriously jeopardizes the gains made in NLS appropriations in recent years and threatens to diminish the already limited service which is now available: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization opposes any cutback in appropriations for library services for the blind and physically handicapped, recognizing also, that just to keep pace with inflation there would need to be at least a 13% increase in the actual dollars available over the 1979 appropriation; and

*Be it further resolved* that this organization pledges its efforts to head off, if possible, the proposed decrease in library services appropriations for fiscal year 1980 in order that the budget-cutters, who know nothing about services to the blind (and the singular importance of this library service), will not have a negative impact on our lives.

#### RESOLUTION 79-06

*Whereas*, the Subcommittee on the Handicapped of the Senate Committee on Labor and Human Resources has conducted oversight hearings to review the implementation of the Randolph-Sheppard Act Amendments of 1974; and

*Whereas*, these hearings developed a public record which specifically documents the maneuvers being used by federal property-managing agencies (the Department of Defense, the United States Postal Service, and the General Services Administration) to avoid complying with the spirit and letter of the Act; and

*Whereas*, the record contains substantial evidence that the Department of Defense is deliberately and openly refusing to pay vending machine income to the state licensing agencies and blind vendors as required in Section 7 of the Act; there is also evidence that the United States Postal Service has constructed elaborate schemes to circumvent the vending machine income requirements and reinstituted the effort to confine the blind to the old-fashioned type of "lobby stands" where only cigars, cigarettes, candy bars, and newspapers may be sold; and with respect to the General Services Administration, the long-standing problem of securing contracts for cafeterias continues despite the 1974 Amendments; and

*Whereas*, state licensing agencies bear the major responsibility for detecting problems with the federal property-managing agencies, and indeed, the record reveals that the states are generally aware of the violations cited above, yet few have taken any meaningful action to bring the federal agencies into compliance, most have simply sat back and hoped that someone else would take up the battle for them; and

*Whereas*, the Randolph-Sheppard Act places the responsibility for challenging non-compliant federal property-managing agencies squarely on the shoulders of the state licensing agencies, authorizing them to file complaints with the Secretary of Health, Education, and Welfare whenever it is determined by a state agency that a federal property-managing agency is failing to comply with the Randolph-Sheppard Act: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization calls upon the state licensing agencies to assume their duties more aggressively and take affirmative steps on behalf of blind vendors to secure compliance by the federal agencies with all of the terms and conditions of the Randolph-Sheppard Act; and

*Be it further resolved* that this organization, known for its capacity to serve as a strong advocate for the rights of all blind persons, hereby offers its services and assistance to state licensing agencies which demonstrate in good faith their willingness to act as advocates on behalf of blind vendors, for only in this way can we secure improved business opportunities for blind persons under the amended Randolph-Sheppard Act.

#### RESOLUTION 79-07

*Whereas*, the Committee on Ways and Means in the House of Representatives has reported H.R. 3236, the Disability Insurance Amendments of 1979, and the full House will soon consider this legislation; and

*Whereas*, H.R. 3236 would make several changes in Title II of the Social Security Act, some of them constructive but very modest improvements, while many of the modifications would have disturbing implications—for example, placing ceilings on benefits payable to disabled workers and their dependents and reducing the number of “drop-out years” for younger persons who become eligible, having the effect of substantially reducing their monthly cash benefits; and

*Whereas*, the most misguided provision of H.R. 3236 would allow state vocational agencies to claim credit for successful rehabilitations even where the placement is in a sheltered workshop, and the number of such placements would determine how much money states would receive from the Social Security trust funds for rehabilitating SSDI beneficiaries, hence, this would serve as an incentive to achieve the easiest closures in order to earn the maximum federal dollars; and

*Whereas*, there is no justification for paying Social Security trust fund money to state vocational rehabilitation agencies when employment in sheltered workshops along with continued dependence on SSDI benefits results, rather this is a practice which will subject the blind to further isolation and exploitation: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization expresses its opposition to the negative direction of the Disability Insurance Amendments of 1979, H.R. 3236, and particularly those provisions which would result in reduced benefits, while offering workshop employment as the most attractive placement possibility to be pursued by the state vocational rehabilitation agencies; and

*Be it further resolved* that the views of this organization regarding H.R. 3236 shall be made known to the members of the United States Senate so that appropriate changes can be made, including the adoption of this organization's long-sought Disability Insurance amendments (approved seven times by the Senate) which would truly improve the Disability Insurance program, especially by providing maximum incentive for all blind persons to pursue remunerative employment.

## RESOLUTION 79-08

*Whereas*, on June 6, 1979 the House of Representatives passed H.R. 3464, the Supplemental Security Income Disability Amendments of 1979; and

*Whereas*, the primary thrust of H.R. 3464 is to provide disabled SSI recipients with work incentives similar to those which are already in the law to stimulate the employment efforts of blind persons who receive SSI; and

*Whereas*, H.R. 3464 would leave unchanged the levels of exempt unearned and earned income (\$20 and \$65 per month, respectively) for individuals and couples receiving SSI payments; and

*Whereas*, these basic amounts of excludable income are the same ones established in the SSI law in 1972 when the law was passed by the Congress, yet inflation has eroded these levels (the Consumer Price Index has increased 52.8% from January 1, 1973 through May 31, 1979), reducing the real combined value of these exclusions from \$85 to \$55.63; and

*Whereas*, in the 1940's this organization fought for and secured the original exemption of earned income for blind persons receiving Aid to the Blind, this being the first time that any work incentive at all was offered to public assistance recipients: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization urges the adoption of amendments to H.R. 3464 designed to raise the basic SSI income exclusions to \$31 and \$100, respectively, and to require annual increases in these exemptions to keep pace with increases in Consumer Price Index; and

*Be it further resolved* that this position shall be made known to the Senate Finance Committee, which will soon consider H.R. 3464, with the request that the Committee recognize the importance of the basic income exemptions in the SSI program and provide appropriate legislation for retaining their value in the face of spiraling inflation.

## RESOLUTION 79-09

*Whereas*, Public Law 95-602, the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, projects substantially expanded programs of service under the authority of the Rehabilitation Act of 1973, as amended; and

*Whereas*, many of the provisions contained in Public Law 95-602 are of special significance to the blind—for example, grants for reading services to blind persons engaged in education and employment, grants for rehabilitation services for older blind persons, and the new Title VI of the Rehabilitation Act which establishes new federal initiatives to expand employment opportunities for handicapped persons; and

*Whereas*, despite the fact that each of these programs is actually an investment in human potential, designed to make those who are served more independent and self-sufficient, the Carter Administration, with the concurrence of the Congress, has chosen not to fund these worthwhile programs at a meaningful level, placing a higher priority on other items in the federal budget, while asking us to wait on the vague promise that things may get better sometime in the 1980's, and



*Whereas*, during his 1976 Presidential campaign, candidate Jimmy Carter pledged never to veto a vocational rehabilitation bill, yet his refusal to request adequate appropriations constitutes a back door veto, in the vain hope that such a maneuver will be politically expedient as another example of budget-conscious administration: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization calls public notice to the unkept promises of the Carter Administration to support rehabilitation and related programs; and

*Be it further resolved* that this Federation goes on record in support of full funding for those provisions of the Rehabilitation Act and its 1978 Amendments which provide direct service to people, such as the aforementioned programs of reading services, rehabilitation assistance for older blind persons, and expanded jobs programs in public service and private industry, for these are the important goals of rehabilitation which, if met, will result in a return of tax dollars to the federal treasury.

#### RESOLUTION 79-10

*Whereas*, Executive Order No. 12125 permits handicapped Federal employees to be converted from Schedule A noncompetitive status to career status after two years of successful performance on the job; and

*Whereas*, individuals hired by the Federal Government on a competitive basis ordinarily may achieve career status after only one year of successful job performance; and

*Whereas*, Executive Order No. 12125 does represent substantial progress in affirmative action, yet doubling the probationary period for handicapped Federal employees is unjustified, diminishing the value of Schedule A by imposing an additional burden on handicapped Federal employees to prove their competence: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization urges amendment of Executive Order No. 12125 by making the probationary period for handicapped Federal employees hired under Schedule A, one year rather than two years; and

*Be it further resolved* that copies of this resolution shall be sent to President Carter, the Office of Federal Personnel Management, and to the appropriate committees of the Congress.

*(David Dawson came to the podium following the close of the convention claiming that the facts in Resolution 79-10 are incorrect. He claims that blind persons attain career condition status after two years and career status after three years.)*

#### RESOLUTION 79-11

*Whereas*, blind taxpayer representatives employed by the Internal Revenue Service have long suffered under that agency's custodial policy of rarely, if ever, advancing blind employees commensurate with their full potential; and

*Whereas*, the National Federation of the Blind has long opposed every lid placed upon an employee's advancement solely because that employee is blind; and

*Whereas*, the National Treasury Employee's Union, believing in equality for all handicapped people including the blind, has taken an active role in defending blind people in equal employment opportunity complaints; and

*Whereas*, the National Treasury Employee's Union has worked together with the National Federation of the Blind in other areas as well, being the only Federal employee's union which testified in Congress in support of expanded business opportunities for the blind: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July in the City of Miami Beach, Florida, that this organization commends the National Treasury Employee's Union for its aggressive advocacy of the rights of its blind members; and

*Be it further resolved* that this organization urges other unions of Federal employees to follow the example of the National Treasury Employee's Union by protecting and supporting their blind members who face discriminatory agency action; and

*Be it further resolved* that copies of this resolution be sent to the National Office of the National Treasury Employee's Union.

#### RESOLUTION 79-13

*Whereas*, the California Governor's Committee for the Handicapped has approved as a statewide project the adoption of a simple method for handicapped persons to be recognized by law enforcement officers; and

*Whereas*, Don Wall, Job Placement Coordinator for Braille Institute of America, Inc., who also chairs the Public Attitudes Committee of the Los Angeles City Council Committee for the Handicapped, has suggested that the decal of the national symbol of the handicapped be affixed to a driver's license or other identification of handicapped persons as reported in the *Braille Institute Scene*, Volume 7, Number 2, Spring-Summer, 1979; and

*Whereas*, Mr. Wall was invited by President Carter to attend a meeting of the President's Committee on Employment of the Handicapped presumably to discuss his suggested use of the symbol of the handicapped as mandated personal identification; and

*Whereas*, while other disability groups may wish this form of identification, any such symbol of identification which includes the blind would further segregate the blind from the rest of the community: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this Federation opposes the inclusion of the blind in the statewide project of the California Governor's Committee for the Handicapped; and

*Be it further resolved* that this organization strongly opposes any form of mandated identification of blind persons either in California or anywhere else; and

*Be it further resolved* that the officers of this organization take all steps necessary to prevent a mandated use of any system which identifies and segregates the blind.

## RESOLUTION 79-14

*Whereas*, many of the educational materials utilized by blind persons are not routinely transcribed into either Brailled or recorded editions; and

*Whereas*, Recording for the Blind has provided excellent services to blind students aiding them to compete successfully in educational programs; and

*Whereas*, contrary to this record of excellence Recording for the Blind has recently instituted policies of requiring borrowers to register for their services, and of limiting the number of books any one student may borrow to not more than eight at any one time; and

*Whereas*, these policies will hinder blind students in pursuing their education and later in entering the labor force: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization commends Recording for the Blind for its excellent record of service; and

*Be it further resolved* that the National Federation of the Blind calls upon Recording for the Blind to rescind its newly instituted policies of requiring students to register to receive services, and of limiting the number of books any one student may borrow at any time to eight; and

*Be it further resolved* that the National Federation of the Blind calls upon Recording for the Blind to meet personally with Federation representatives to work cooperatively and meaningfully to resolve the difficulties and misunderstandings which lead Recordings for the Blind to institute its new policies

## RESOLUTION 79-15

*Whereas*, there are now about forty-five radio information service programs for the blind and print-handicapped operating across the country; and

*Whereas*, most such information services use subchannels of existing radio stations to carry their signal to their listeners; and

*Whereas*, such information services may provide to blind and print-handicapped persons information available to print readers in newspapers and periodicals; and

*Whereas*, the Federal Communications Commission (FCC) proposes to reduce the width of the subcarrier channels which threatens the operation of these programs for thousands of blind persons: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization protests the FCC proposal to narrow radio subcarrier bands, an action which threatens radio information service programs for the blind and print-handicapped; and

*Be it further resolved* that this organization instructs its officers to take whatever steps necessary to protect the radio information service programs for the blind.

## RESOLUTION 79-16

*Whereas*, the National Exhibition by Blind Artists (hereinafter referred to as NEBA and formerly called The National Exhibition of Art by the Blind) maintains standards that encourage those who have not yet achieved full independence as artists, to submit their work for exhibition; and

*Whereas*, the credibility of all exhibiting artists is thus jeopardized; and

*Whereas*, NEBA has hopelessly blurred the lines between professional, hobbyist and student artist by viewing all as members of one group, i.e. blind artists; and

*Whereas*, NEBA does not regard the blind as an emerging minority, preferring instead the traditional misconceptions and stereotypes of blindness; and

*Whereas*, NEBA uses and cooperates with separate, which is to say segregated, galleries for the blind, some of which are not in compliance with Section 504 of the Rehabilitation Act; and

*Whereas*, these practices are harmful, demeaning and offensive to the blind in general and to blind artists in particular; and

*Whereas*, the Fine Arts Coordinator of the National Federation of the Blind has conveyed these sentiments to the officers and board of NEBA; and

*Whereas*, we have attempted to negotiate with NEBA concerning the immediate cessation of these practices and have so far met with no response; and

*Whereas*, NEBA has falsely alleged that our affiliate in Pennsylvania supports NEBA's policies: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 5th day of July, 1979, in the city of Miami Beach, Florida, that this organization opposes NEBA in all appropriate ways; and

*Be it further resolved* that this organization calls upon all blind artists to refrain from exhibiting their work in NEBA until such time as these disgraceful practices cease.

## RESOLUTION 79-17

*Whereas*, H.R. 2444 the House bill to establish a Federal Department of Education as reported by the House Committee on Education and Labor contained Section 439 which authorized the Secretary to waive administrative and organization provisions contained in the Rehabilitation Act of 1973 as amended; and

*Whereas*, the waiver amendment sponsored by Representative Fascell of Florida was designed to satisfy a peculiar problem in that state but would clearly reduce the effectiveness of rehabilitation services provided to blind individuals as well as other disabled persons; and

*Whereas*, this waiver provision would have made it possible for rehabilitation services and funds to be mingled with and provided by a wide variety of program units which had as their major purpose the provision of services not related to meeting the needs of the disabled; and

*Whereas*, this waiver provision had the potential of diluting and otherwise diminishing the integrity and visibility of programs serving the blind as well as eliminating the utilization of skilled personnel possessing the background and experience required in the provision of meaningful rehabilitation services; and

*Whereas*, the House of Representatives wisely voted overwhelmingly to delete Section 439, the waiver provision, from H.R. 2444: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization urges the Congress to maintain the administrative and program integrity of rehabilitation services to the blind by excluding from current legislation any, other than, a temporary waiver provision which may apply to the State of Florida.

#### RESOLUTION 79-18

*Whereas*, the National Federation of the Blind was instrumental in founding the International Federation of the Blind (IFB); and

*Whereas*, a joint resolution of the officers of the IFB and the World Council for the Welfare of the Blind (WCWB) to amalgamate the two organizations by 1984 will be voted upon by the delegates to the 1979 Quinquennial Meetings of the two organizations; and

*Whereas*, the resolution would eliminate a separate organization of the blind from having an effective voice in the world; and

*Whereas*, the National Federation of the Blind believes that blind persons can not be represented by service providers, but rather the blind must speak for themselves; and

*Whereas*, the sites of the meetings of the IFB and WCWB were changed at the last minute from West Africa to Antwerp, Belgium, thus drastically reducing the possibility of full participation by delegates from all affiliates, especially those from the developing countries who would wish to vote on the critical issue of amalgamation: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization condemns and deplores complete or partial amalgamation of the International Federation of the Blind and the World Council for the Welfare of the Blind; and

*Be it further resolved* that this organization urges in the strongest possible terms all the member affiliates of the International Federation of the Blind to oppose any resolution aimed at complete or partial amalgamation of the IFB and the WCWB as being wholly inimical to the original and fundamental principle of the free and independent self-expression by the blind upon which the IFB was founded in 1964.

#### RESOLUTION 79-19

*Whereas*, training contracts have been awarded by the Office for Civil Rights (OCR) in cooperation with other principal operating components of the Department of Health, Education, and Welfare; and

*Whereas*, these training contracts were designed to inform recipients and consumers of their rights and responsibilities under Section 504 of the Rehabilitation Act of 1973; and



*Whereas*, in training sessions held by OCR contractors, participants were encouraged to form or join coalitions of the handicapped; and

*Whereas*, such coalitions have been found to be harmful to the blind and are therefore contrary to the policies and purpose of the National Federation of the Blind; and

*Whereas*, we believe that Federal contract funds should not be spent to promote coalitions of the handicapped: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization is opposed to OCR's practice of promoting coalitions of the handicapped; and

*Be it further resolved* that this Federation demands that OCR refrain from awarding contracts to those groups, consulting firms, and/or organizations which promote the forming or joining of coalitions of the handicapped; and

*Be it further resolved* that copies of this resolution be distributed to the appropriate government officials and in particular to David Tatel and John Poore of OCR.

#### RESOLUTION 79-20

*Whereas*, it has been suggested that a certification process should be instituted to provide credentials for supervisors and other personnel working in the Business Enterprise Program and agencies serving the blind; and

*Whereas*, the American Association of Workers for the Blind (AAWB) provides the concept and practice of certifying rehabilitation personnel, already controlling the certification of mobility instructors and other rehabilitation personnel serving the blind; and

*Whereas*, this push for AAWB controlled certification raises the question of standards which in turn raises the specter of NAC, and NAC the blind don't need; and

*Whereas*, certification of rehabilitation personnel inevitably institutionalizes elaborate systems with artificial criteria designed more to protect the professionals than to benefit the blind; and

*Whereas*, certification of mobility instructors was established for the alleged purpose of improving travel training for the blind but instead it has only created a system of pseudo-professionalism disregarding the essential travel needs of the blind: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization condemns and deplores these self-serving phony forms of professionalism under the control of AAWB; and

*Be it further resolved* that we vigorously oppose any expansion of certification by AAWB or any other agency or organization to include credentialing of business enterprise personnel; and

*Be it further resolved* that this organization calls upon the Bureau for the Blind in the Rehabilitation Services Administration to promote quality services for the blind instead of certification by AAWB.

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## RESOLUTION 79-21

*Whereas*, Section 504 of the Rehabilitation Act of 1973 is viewed as a major advancement in securing the civil rights of blind persons; and

*Whereas*, the Supreme Court decision *Southeastern Community College vs. Davis* is the first decision on Section 504 handed down by the Supreme Court; and

*Whereas*, the decision handed down is a first step in the interpretation of Section 504; and

*Whereas*, the public reaction from many groups representing handicapped persons and from the public at large, has been characterized by intellectual oversimplification and emotional overreaction; conditions which have made a fair and accurate reading of the decision impossible; and

*Whereas*, the court has now ruled that Section 504 guarantees equal opportunity and does not require that substantial additional provision be made solely for the handicapped; and

*Whereas*, this position of the Supreme Court on affirmative action is largely consistent with the long standing policy of this organization; and

*Whereas*, it has been the policy of this organization that the equipment and services needed by blind students should be provided by the state rehabilitation agency serving blind persons; and

*Whereas*, the court in *Davis* recognizes that discrimination against the handicapped does exist and recognizes that one form of such discrimination is the refusal to modify past practices to permit the disabled meaningfully to participate in programs for which they are otherwise qualified; and

*Whereas*, the widespread public misconceptions concerning *Davis* have created questions about the continued enforcement of Section 504, when, in fact, the court opinion is clear that the regulation is valid and that the Office for Civil Rights and other Federal departmental enforcement offices are under a duty to protect vigorously the disabled from discrimination: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization take steps to make the general public aware of the need for a reasoned interpretation of *Davis*; and

*Be it further resolved* that this organization shall take vigorous actions on behalf of the blind persons who are discriminated against, as the result of any harmful misinterpretations of *Davis*.

## RESOLUTION 79-22

*Whereas*, some of the gasoline rationing programs presented by the Federal Department of Energy and the Congress of the United States have based gasoline allocations on the number of automobiles per household; and

*Whereas*, it is likely that a rationing plan soon will be established as suggested by the President of the United States on July 1, 1979; and

*Whereas*, as the proposed rationing programs give no consideration to the needs of persons who happen to be blind and do not own automobiles; and

*Whereas*, sharply escalating gasoline prices also have an adverse effect on the transportation needs of blind persons (such as travel to and from employment) by reducing the resources with which blind persons can meet their transportation needs: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled in the City of Miami Beach, Florida, this 6th day of July, 1979, that we express our concern regarding our transportation needs and the basis for gasoline allocation to the Federal Department of Energy and the Congress.

#### RESOLUTION 79-23

*Whereas*, commencing in 1969, the Social Security Administration (SSA) initiated a positive program to train and employ blind persons as telephone service representatives; and

*Whereas*, problems developed when it was recognized that blind telephone service representatives would not have regular promotional opportunity but would be locked in at GS-7 positions on the theory that blind persons could not be claims representatives, and that blind persons, unlike sighted persons, were not considered to be SSA employees and were not paid during the time they were in training; and

*Whereas*, these problems were pointed out to Mr. Robert Bynum when he appeared before the convention of the NFB at our 1977 New Orleans Convention at which time Mr. Bynum pledged to take corrective action; and

*Whereas*, since our 1977 Convention, NFB representatives have met continuously with SSA officials including the Commissioner to negotiate resolution of these problems; and

*Whereas*, Commissioner Stanford Ross listened to the concerns of the NFB, and in June of 1979 declared that henceforth blind persons shall be paid during training, that qualified blind persons shall have the opportunity on a nationwide basis to become claims representatives, and that qualified blind persons shall have the opportunity to be promoted to the GS-10 level which included the responsibility of reviewing and authorizing claims: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the city of Miami Beach, Florida, that this organization commends Commissioner Stanford Ross and the Social Security Administration for "listening" to the concerns of the organized blind of this nation and for taking steps to correct prior policies so that blind SSA employees will have equal promotional opportunity in the Social Security System; and

*Be it further resolved* that copies of this resolution be sent to SSA Commissioner Stanford Ross and to HEW Secretary Joseph Califano.

#### RESOLUTION 79-24

*Whereas*, working blind people have demonstrated that blindness has no relevance to one's ability to engage in competitive employment, meeting the same standards of productivity as sighted people; and

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*Whereas*, many sheltered workshops for the blind, which employ primarily blind workers, obtain waivers which exempt them from having to pay to their blind employees the same minimum wage which protects sighted workers; and

*Whereas*, private companies are aware that they can take advantage of these depressed wage scales by subcontracting jobs to sheltered workshops for the blind instead of performing them in the plant and paying plant scales; and

*Whereas*, this practice of subcontracting, which amounts to exploitation of the blind, also reinforces the wide-spread misconception that blind people as a class are inferior workers; and

*Whereas*, a few of the more progressive workshops for the blind voluntarily pay the minimum wage while remaining financially viable, proving that all workshops for the blind could pay a living wage to blind workers: Now, therefore,

*Be it resolved* by the National Federation of the Blind in Convention assembled this 6th day of July, 1979, in the City of Miami Beach, Florida, that this organization communicates with the boards of directors which subcontract with those sheltered workshops for the blind which pay sub-minimum wages, explaining to those companies that this organization deplores this exploitation of the blind; and

*Be it further resolved* that this organization urges companies which subcontract to deal only with workshops which pay the prevailing minimum wage.





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